## Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 1 of 236 PageID #:

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	Page 1		Page 3
		1	GEORGE HESSE
	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	2	APPEARANCES:
	X	3	THOMPSON WIGDOR & GILLY, LLP
	EDWARD CARTER, FRANK FIORILLO, ) KEVIN LAMM, JOSEPH NOFI, and )	4	Attorneys for the Plaintiffs
	THOMAS SNYDER,	5	85 Fifth Avenue
	Plaintiffs, )	6	New York, New York 10003
	-against- )	7	DV ANDREWS COORSTANT FSO
	) Index No. ) CV 07 1215	8	BY: ANDREW S. GOODSTADT, ESQ.
	INCORPORATED VILLAGE OF OCEAN )	9	ARIEL GRAFF, ESQ.
	BEACH; MAYOR JOSEPH C. ) LOEFFLER, JR., individually )	10	MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.
	and in his Official capacity; )	11	Attorneys for GEORGE B. HESSE
	former mayor NATALIE K.ROGERS, ) individually and in her )	12	530 Saw Mill Road
	official capacity, OCEAN BEACH ) POLICE DEPARTMENT; ACTING )	13	Elmsford, New York 10523
	DEPUTY POLICE CHIEF GEORGE B. )	14	,
	HESSE, individually and in his ) official capacity; SUFFOLK )		BY: KEVIN W. CONNOLLY, ESQ.
	COUNTY; SUFFOLK COUNTY POLICE )	15	
	DEPARTMENT OF CIVIL SERVICE; ) and ALLISON SANCHEZ, )	16	
	individually and in her ) official capacity, )	17	
	)	18	RIVKIN RADLER, LLP
	Defendants. )	19	Attorneys for INCORPORATED VILLAGE OF OCEAN BEACH,
	DEPOSITION OF GEORGE HESSE	20	JOSEPH LOEFFLER, NATALIE ROGERS AND OCEAN BEACH
	Uniondale, New York June 3, 2009	21	POLICE DEPARTMENT
		22	926 RexCorp Plaza
		23	Uniondale, New York 11556-0926
	Reported by: Judi Johnson, RPR, CRR, CLR Job No.: 23057	24	BY: KENNETH A. NOVIKOFF, ESQ. MICHAEL WELCH, ESQ.
	Page 2		Page 4
1		1	GEORGE HESSE
2	926 RexCorp Plaza	2	GEORGE HESSE
	Uniondale, New York	3	
3	omondate, 110W Tork	4	
4	June 3, 2009	5	BEE READY FISHBEIN HATTER & DONOVAN, LLP
	10:00 A.M.	6	Attorneys for SUFFOLK COUNTY
5		7	170 Old Country Road
6		8	Mineola, New York 11501
7		9	
8			BY: KENNETH A. GRAY (A.M. SESSION ONLY)
9		10	
10		11	
11		12	
12		13	
13	Deposition of GEORGE HESSE, held at	14	j j
14	the offices of RIVKIN RADLER, LLP, 926	15	e j
15	RexCorp Plaza, Uniondale, New York, pursuant	16	
16	to Notice, before Judi Johnson, a Registered	17	
17 18	Professional Reporter, a Certified Realtime	10	BY: BRIAN P. CALLAHAN, ESQ.
19	Reporter, a Certified LiveNote Reporter and	18 19	
20	Notary Public of the State of New York.	$\frac{19}{20}$	
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1 (Pages 1 to 4)

Page 5   GEORGE HESSE   TISHEREBY STIPULATED AND AGREED by and between the attorneys for the respective parts before the attorneys for the respective parts before the same are hereby waived.   TISHEREBY STIPULATED AND AGREED the same are hereby waived.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, except as to the form of the questions, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections, shall be reserved to the time of the trial.   TISHEREBY STIPULATED AND AGREED that all objections in the trial objection of the trial.   TISHEREBY STIPULATED AND AGREED that all objections and signed before any officer authorized to address that the shall object and the shall o		13	103	)
2		Page 5		Page 7
2	1	GEORGE HESSE	1	GEORGE HESSE
and between the attorneys for the respective parties herein, that filing and sealing and the same are hereby waived.  TIS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial.  IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to administer an oath, with the same force and administer an oath, with the same force and color.  Court.  Coord.  Court.  Court.  Court.  Court.  Coord.  Court.  Coord.  Court.  Coord.  Court.  Coord.				
4 parties herein, that filing and sealing and be same are hereby waived.   5   GR-RA-F, from my office.   6   TI S FURTHER STIPULATED AND AGREED of that all objections, except as to the form of the question, shall be reserved to the time of the trial.   7   TI S FURTHER STIPULATED AND AGREED that the within deposition may be swom to and signed before any officer authorized to a diminister an oath, with the same force and effect as if signed and swom to before the court.   14   MR. CALLAHAN: Brain Callaban from the 10:05:23AM office Courty PD and Allison   15   Surfolk, Surfolk County PD and Allison   16   Surfolk County PD and Allison   16   Surfolk County PD and Al		•		
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12   and signed before any officer authorized to administer an oath, with the same force and administer an oath, with the same force and administer an oath, with the same force and 2   4   4   4   4   4   4   4   4   4				
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16   Suffolk County PD and Allison				
17		Court.		•
18   EXAMINATION   10:05:30AM   19   19   19   19   19   19   19   1				•
19 BY MR. GOODSTADT: 10:05:36AM 20 Q Good morning, Mr. Hesse. 10:05:41AM 21 A GOOD morning. Incomposed the law firm of Thompson. 10:05:43AM 22 PQ My name is Andrew Goodstadt Thompson. 10:05:43AM 23 I'm an attorney at the law firm of Thompson. 24 Wigdor & Gilly, and my firm represents the plaintiffs in this matter, Frank Fiorillo, Ed  Page 8  1 GEORGE HESSE 2 GEORGE HESSE 3 Called as a witness herein, having 4 first been duly sworn, was examined and 5 testified as follows: 5 What is your current address, my official a follows: 6 BY THE REPORTER: 6 A Wy current address, my official address? 10:06:03AM address is 315 Bay Walk, P.O. Box 371 Ocean 8 the record. 7 Q Please state your name and address for 6 the record. 8 Beach, New York 11770. 9 A George Hesse, 623 Bay Walk, P.O. Box 371 Ocean 8 the record. 9 Q What do you mean by official address? 10:06:03AM address is 315 Bay Walk, P.O. Box 371 Ocean 9 THE VIDEOGRAPHER: This is the start 10:04:10AM 11 10 THE VIDEOGRAPHER: This is the start 10:04:10AM 11 10 The Unit of Carde Florello, et al versus the 14 do sleep at my apartment in Ocean Beach. 15 Incorporated Village of Ocean Beach. This 6 deposition is taking place at 926 Rex-Corp 16 Plaza, Uninondale, New York 11750. 10 A I mostly live at 191 The Helm, and 1 10:06:29AM and 1 am the legal video specialist. The 10 Court reporter today is Judi Johnson in 20 Q And when did you steep at The Helm versus your current today and and 1 am the legal video specialist. The 20 Q And when did you steep at The Helm versus your corrent today is Judi Johnson in 20 Q And when did you steep at The Helm versus your corrent today is Judi Johnson in 20 Q And when did you steep at The Helm versus your corrent today is Judi Johnson in 20 Q And when did you steep at The Helm versus your corrent today is Judi Johnson in 20 Q And when did you steep at the law versus the 20 Q And when did you steep at the law the beach. 21 Grows when the beach. 22 Good and weekends at the beach. 23 Sastied staying weekends at the beach. 24 Go Who else lives w		- 000 -		
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22   Q My name is Andrew Goodstadt Thompson. 10:05:43AM   I'm an attorney at the law firm of Thompson,   Wigdor & Gilly, and my firm represents the   plaintiffs in this matter, Frank Fiorillo, Ed    Page 8   Pa				
23   Fin an attorney at the law firm of Thompson, Wigdor & Gilly, and my firm represents the plaintiffs in this matter, Frank Fiorillo, Ed  Page 6   Page 8    GEORGE HESSE   GEORGE HESSE   GEORGE HESSE   Carter, Kevin Lamm, Tom Snyder and Joe Nofi. And we're here today to ask you some questions about the allegations in the complaint.  Testified as follows:   Second Beach   Secon				E .
24   Signor & Gilly, and my firm represents the plaintiffs in this matter, Frank Fiorillo, Ed  Page 6   Page 8    GEORGE HESSE   1   GEORGE HESSE   2   Carter, Kevin Lamm, Tom Snyder and Joe Nofi.    And we're here today to ask you some questions about the allegations in the complaint.    BY THE REPORTER:   6   A   My current address, my official   10:06:09AM    BY THE REPORTER:   7   address is 315 Bay Walk, P.O. Box   9   Q   What do you mean by official address?   10:06:15AM    Beach, New York 11770.   10   A   I also have a second residence of   10:06:17AM    THE VIDEOGRAPHER: This is the start   10:04:10AM   11   191 The Helm, East Islip, New York 11730.    10   A   I mostly live at 191 The Helm, and I   10:06:29AM   do sleep at my apartment in Ocean Beach.    11   Incorporated Village of Ocean Beach. This   deposition is taking place at 926 RexCorp   Plaza, Uniondale, New York on Wednesday,   10:04:37AM   191 The Helm, and I   10:06:37AM   10:06:37AM   10:06:07AM   10:06:0			22	
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2 (Pages 5 to 8)

	13	3104
	Page 9	Page 11
1	GEORGE HESSE	1 GEORGE HESSE
2	A It's a shared address. It's the Ocean 10:07:11AM	2 Q Who owns that address? 10:08:48AM
3	Beach police barracks, and I have a room within	3 A My father. 10:08:50AM
4	the barracks.	4 Q And what's Denise's last name? 10:09:01AM
5	Q Anyone else live there? 10:07:18AM	5 A Czarneki, C-Z-A-R-N-E-K-I. Close 10:09:04AM
6	A There are other police officers that 10:07:20AM	6 enough.
7	do stay overnight there, but I wouldn't say they	7 Q How long has she lived there? 10:09:10AM
8	live there.	8 A 14 years. 10:09:12AM
9	Q Would you say that you live there? 10:07:26AM	9 Q Did you use the Ocean Beach address 10:09:20AM
10	A No, but it's one of my official 10:07:28AM	10 prior to three seasons ago when you started
11	addresses.	11 staying overnight there?
12	Q Why do use that as an official address 10:07:32AM	12 A Yes. 10:09:27AM
13	if you don't live there?	MR. NOVIKOFF: Can we just have for 10:09:28AM
14	MR. NOVIKOFF: Objection. 10:07:36AM	14 the record what season are you referring to,
15	MR. CONNOLLY: Objection. 10:07:37AM	15 2006, 2007, 2005?
16	MR. NOVIKOFF: Argumentative. 10:07:39AM	16 BY MR. GOODSTADT: 10:09:36AM
17	A It's on my driver's license. That's 10:07:40AM	17 Q Well, what season did you start 10:09:36AM
18	where I vote. That's where I'm registered to	18 staying there?
19	vote. That's my legal address.	19 A 2006, I started staying there on a 10:09:40AM
20	Q Do you pay taxes out of there? 10:07:45AM	20 regular basis on the weekends.
21	A No. 10:07:47AM	21 MR. NOVIKOFF: Do you want to define 10:09:46AM
22	MR. NOVIKOFF: Objection. Vague. 10:07:48AM	the season, Andrew? It's been defined
23	BY MR. GOODSTADT: 10:07:49AM	before by other witnesses.
24	Q What address do you pay taxes from? 10:07:51AM	24 BY MR. GOODSTADT: 10:09:50AM
25	MR. NOVIKOFF: Objection. 10:07:54AM	Q When you use the word "season," why 10:09:51AM
	Page 10	Page 12
1	GEORGE HESSE	1 GEORGE HESSE
2	A I don't. 10:07:54AM	2 don't you tell us what you mean so we're both of
3	Q You don't pay taxes? 10:07:54AM	3 the same page.
4	A Of course I pay taxes. 10:07:57AM	4 A The summer season of 2006 would start, 10:09:55AM
5	MR. CONNOLLY: Andrew, what do you 10:08:00AM	
6	BY MR. GOODSTADT: 10:08:02AM	6 Q Is that somewhere before Memorial Day 10:10:05AM
7	Q What address do you list on your tax 10:08:02AM	7 to somewhere just after Labor Day?
8	returns?	8 A Yeah. Two weeks before Memorial Day 10:10:10AM
9	MR. NOVIKOFF: Oh, okay. 10:08:05AM	9 to two weeks after Labor Day is an official
10	A In Ocean Beach. 10:08:07AM	10 season, but I usually started staying around
11	Q And who lives at the 191 The Helm 10:08:13AM	11 Memorial Day right to Labor Day.
12	address?	Q And prior to 2006, were you using that 10:10:19AM
13	A My wife, my two children, my father 10:08:16AM	13 Ocean Beach address as your official address?
14	and his girlfriend.	14 A Yes. 10:10:24AM
15	Q What's your wife's name? 10:08:25AM	15 Q How come? 10:10:24AM
16	A Shannon. 10:08:26AM	16 A Well, I actually did live there back 10:10:26AM
17	Q What are your children's ages? 10:08:28AM	17 in 2005 for about a year and a half, but not
18	A My daughter Lauren is 12. Megan is 10:08:30AM	18 directly at that address of 315 Bay Walk.
19	eight.	19 Q What address did you live in? 10:10:38AM
20	Q And your father's name is? 10:08:37AM	20 A The physical address was 146 Bungalow 10:10:40AM
21	A Dan. 10:08:39AM	21 Walk, and that's in Ocean Beach.
22	Q Same last name? 10:08:40AM	22 <b>Q</b> Was that 10:10:48AM
22		
23	A Yes. 10:08:42AM	23 A It's a house. 10:10:49AM
	A Yes. 10:08:42AM  Q And his girlfriend's name? 10:08:42AM	23 A It's a house. 10:10:49AM 24 <b>Q Who owns that house? 10:10:50AM</b>
23		

3 (Pages 9 to 12)

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	Page 13		Page 15
1	GEORGE HESSE	1	GEORGE HESSE
2	Housworth.	2	A I don't know. I was 23 years old and 10:12:53AM
3	Q Who owned it when you lived there in 10:10:56AM	3	I just took this job in Ocean Beach, and they
4	'05?	4	offered us not just me, but several police
5	A Oh, God. Last name was Reusch. I 10:11:00AM	5	officers the opportunity to stay there. I was
6	think it was R-E-U-S-C-H.	6	working late-night shifts; and to get a good
7	Q Did you rent it from Reusch? 10:11:08AM	7	night's sleep, instead of going all the way home
8	A Yes. 10:11:10AM	8	and back, I stayed in the barracks.
9	Q Did you pay for that or did the beach 10:11:10AM	9	Q So just start. So '94, you 10:13:12AM
10	pay for it?	10	established that as an official address?
11	A I paid for it. 10:11:14AM	11	A That's correct, yes. 10:13:16AM
12	Q Who did you live with in '05 for a 10:11:14AM	12	Q What was the next official address 10:13:17AM
13	year and a half there?	13	that you used after '94?
14	A I lived with my wife; and then for a 10:11:18AM	14	MR. NOVIKOFF: Objection to form. 10:13:21AM
15	short time, when my daughter was born, she lived	15	A I guess when I moved to 191 The Helm. 10:13:24AM
16	there with us.	16	Q When was that? 10:13:27AM
17	Q And prior to '05, had you ever used 10:11:27AM	17	A You gotta figure let's see. I 10:13:30AM
18	the Ocean Beach address as your address or any	18	think it was at the end of '97.
19	Ocean Beach address as your address?	19	Q And how long did you live at 191 The 10:13:45AM
20	MR. NOVIKOFF: Objection to form. 10:11:37AM	20	Helm?
21	A I don't know I'm thinking in 2004, 10:11:38AM	21	A From '97 to present. 10:13:48AM
22	I may have established the address of 315 Bay	22	Q Did you ever use 191 The Helm as your 10:13:53AM
23	Walk.	23	official address?
24		24	
25	Q How about prior to 2004, did you ever 10:11:53AM	25	MR. NOVIKOFF: Objection. 10:13:58AM A No. 10:13:58AM
23	use an Ocean Beach address as your address?	23	A No. 10:13:58AM
	Page 14		Page 16
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Objection to form. 10:11:57AM	2	Q So it was always Ocean Beach? 10:13:58AM
3	A No. 10:11:58AM	3	A Correct. 10:14:01AM
4	Q So prior to 2004, you never lived at 10:12:02AM	4	Q So how about from '97 until 2005, did 10:14:02AM
5	Ocean Beach?	5	you live in Ocean Beach at any time during that
6	MR. NOVIKOFF: Same objection. 10:12:06AM	6	period at all?
7	A In I'm sorry, did I say 2004? I 10:12:07AM	7	MR. NOVIKOFF: Objection to form. 10:14:08AM
8	meant '94, 1994. My first summer in Ocean Beach	8	
		0	A I would stay in Ocean Beach on 10:14:09AM
9	was in '93, and I actually lived in the barracks	9	A I would stay in Ocean Beach on 10:14:09AM occasion.
9	was in '93, and I actually lived in the barracks five days a week for my first season in Ocean		occasion.
	was in '93, and I actually lived in the barracks five days a week for my first season in Ocean Beach.	9	occasion.  Q What do you mean by on occasion? 10:14:12AM
10	five days a week for my first season in Ocean Beach.	9	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM
10 11	five days a week for my first season in Ocean	9 10 11	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through
10 11 12 13	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?	9 10 11 12	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out
10 11 12 13 14	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?	9 10 11 12 13	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two
10 11 12 13	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.	9 10 11 12 13 14	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay
10 11 12 13 14 15	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM	9 10 11 12 13 14 15 16	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed
10 11 12 13 14 15 16	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?	9 10 11 12 13 14 15 16 17	occasion.  Q What do you mean by on occasion? 10:14:12AM  A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the
10 11 12 13 14 15 16 17	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM	9 10 11 12 13 14 15 16 17	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol
10 11 12 13 14 15 16 17 18	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM	9 10 11 12 13 14 15 16 17 18	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.
10 11 12 13 14 15 16 17 18 19 20	five days a week for my first season in Ocean Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM	9 10 11 12 13 14 15 16 17 18 19 20	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM
10 11 12 13 14 15 16 17 18 19 20 21	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM Q So why did you live there? 10:12:44AM	9 10 11 12 13 14 15 16 17 18 19 20 21	Occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM living there between '97, when you moved out,
10 11 12 13 14 15 16 17 18 19 20 21 22	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM Q So why did you live there? 10:12:44AM MR. NOVIKOFF: I'm going to object. 10:12:48AM	9 10 11 12 13 14 15 16 17 18 19 20 21 22	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM living there between '97, when you moved out, and 2005, when you said you lived there for a
10 11 12 13 14 15 16 17 18 19 20 21 22 23	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM Q So why did you live there? 10:12:44AM MR. NOVIKOFF: I'm going to object. 10:12:48AM BY MR. GOODSTADT: 10:12:49AM	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM living there between '97, when you moved out, and 2005, when you said you lived there for a year and a half?
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM Q So why did you live there? 10:12:48AM BY MR. GOODSTADT: 10:12:49AM Q Why did you live at Ocean Beach during 10:12:49AM	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM living there between '97, when you moved out, and 2005, when you said you lived there for a year and a half?  A You gotta figure it was 48-hour 10:14:57AM
10 11 12 13 14 15 16 17 18 19 20 21 22 23	Beach.  Q Were you a full-time officer or 10:12:30AM part-time officer?  A I was part-time or seasonal at that 10:12:32AM time.  Q And you lived in the barracks five 10:12:37AM days a week?  A Five days a week, correct. 10:12:39AM Q Did you pay any rent? 10:12:40AM A No. 10:12:42AM Q So why did you live there? 10:12:44AM MR. NOVIKOFF: I'm going to object. 10:12:48AM BY MR. GOODSTADT: 10:12:49AM	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	occasion.  Q What do you mean by on occasion? 10:14:12AM A Well, back in the day, between I 10:14:13AM got hired full-time in '95. So '95 through maybe 2000, we worked some really whacked-out tours, in the winter especially. We did two days on with four days off, and I would stay there my entire 48 hours. And we were allowed to sleep, eat and stay in our apartments, the barracks, during my tour after my patrol function was done.  Q So how many days a week were you 10:14:49AM living there between '97, when you moved out, and 2005, when you said you lived there for a year and a half?

4 (Pages 13 to 16)

	13	106	
	Page 17		Page 19
1	GEORGE HESSE	1	GEORGE HESSE
2	off. Sometimes I would stay an extra day;	2	for all those years?
3	sometimes I would go to 191 The Helm.	3	A Yes. 10:16:40AM
4	Q And why were you using the Ocean Beach 10:15:11AM	4	Q I just want to go over some ground 10:16:48AM
5	address as your official address during that	5	rules before we get started.
6	period even though you were only staying there	6	MR. NOVIKOFF: I thought we just got 10:16:52AM
7	two days a week?	7	started.
8	MR. NOVIKOFF: Objection to form. 10:15:19AM	8	MR. CONNOLLY: Continue. 10:16:56AM
9	MR. CONNOLLY: Which period, again, 10:15:21AM	9	MR. GOODSTADT: Was that an objection 10:16:57AM
10	are we speaking of?	10	or just an obnoxious comment?
11	MR. GOODSTADT: That period between 10:15:25AM	11	MR. NOVIKOFF: It was a comment. You 10:17:01AM
12	'97, when he moved to 191 The Helm, and	12	said you were going to go over the ground
13	2005, when he moved to 146 Bungalow Walk.	13	rules before we got started, but we've just
14	A Will you repeat the question, please. 10:15:34AM	14	now spent 15 minutes on a residency issue.
15	Q Why did you use the Ocean Beach 10:15:36AM	15	MR. GOODSTADT: Now we're wasting time 10:17:08AM
16	address as your official address during that	16	on your inappropriate comments.
17	period, when you were only staying there two	17	MR. NOVIKOFF: If you'd like to 10:17:12AM
18	days a week?	18	continue the conversation, I'd be happy to.
19	MR. NOVIKOFF: Objection to form. 10:15:44AM	19	BY MR. GOODSTADT: 10:17:16AM
20	A I always kept it because I always 10:15:45AM	20	Q Do you understand that you're 10:17:16AM
21	thought I would officially move to Ocean Beach	21	testifying under oath today?
22	on a permanent basis.	22	A Yes. 10:17:19AM
23	Q So it was in anticipation of moving to 10:15:51AM	23	Q And that you're legally obligated to 10:17:19AM
24	Ocean Beach?	24	tell the truth?
25	A Correct. 10:15:54AM	25	A Yes. 10:17:22AM
	Page 18		Page 20
1	GEORGE HESSE	1	GEORGE HESSE
2	Q But you didn't actually live there on 10:15:54AM	2	Q And failure to do so is potentially 10:17:22AM
3	a permanent basis, correct?	3	punishable as a criminal sanction?
4	A For almost two years, I did. 10:15:59AM	4	A Yes. 10:17:24AM
5	Q But not during the period between '97 10:16:01AM	5	Q Have you ever testified under oath 10:17:25AM
6	and '04, correct?	6	before
7	A No. 10:16:05AM	7	A Yes. 10:17:27AM
8	Q Was there a residency requirement to 10:16:05AM	8	Q Let me finish the question. 10:17:29AM
9	be a full-time officer in Ocean Beach?	9	Have you ever testified under oath 10:17:30AM
10	A Yes. 10:16:09AM	10	before outside of your capacity as an arresting
11	Q Is that why you use Ocean Beach as the 10:16:10AM	11	officer?
12	address?	12	A No. 10:17:38AM
13	A At the time when I got hired, yes. 10:16:11AM	13	Q So you never testified in a civil 10:17:39AM
14	Q And when did you become a full-time 10:16:14AM	14	action?
15	officer?	15	A Yes. 10:17:42AM
16	A '95. I believe it was November of 10:16:17AM	16	Q So since this is the first time you're 10:17:47AM
17	'95.	17	testifying under oath in a civil action, I just
18	Q So the period between '97 and '05 that 10:16:22AM	18	want to make sure that
19	you didn't live there, you used the Ocean Beach	19	MR. NOVIKOFF: Objection. He 10:17:54AM
20	address because of the residency requirement?	20	testified, I believe, that he testified in a
21	A No. 10:16:31AM	21	civil action.
22	Q You used it because you anticipated 10:16:32AM	22	MR. GOODSTADT: I said he's never 10:18:00AM
23	that you'd eventually live there?	23	testified in a civil action, and he said
24	A Correct. 10:16:35AM	24	yes.
25	Q Even though you weren't at the time, 10:16:36AM	25	

5 (Pages 17 to 20)

		107	1 lied 01/13/10 1 age 0 of 2301 age b #.
	Page 21		Page 23
1	GEORGE HESSE	1	GEORGE HESSE
2	BY MR. GOODSTADT: 10:18:05AM	2	MR. NOVIKOFF: Objection only to the 10:20:16AM
3	Q Have you ever testified in a civil 10:18:06AM	3	extent if you are aware if there was a
4	action?	4	confidentiality agreement. If you have no
5	A Yes. 10:18:07AM	5	knowledge one way or of the other, then
6	Q How many times? 10:10:07AM	6	answer the question.
7	A Four, maybe five. 10:18:17AM	7	MR. GOODSTADT: Don't you know a 10:20:26AM
8	Q So why don't we start from today, not 10:18:22AM	8	confidentiality agreement doesn't trump his
9	including today, going in reverse chronological	9	obligation to testify under oath?
10	order. When was the most recent time you	10	MR. NOVIKOFF: I don't know what the 10:20:30AM
11	testified under oath in a civil action?	11	confidentiality agreement says. I'm not
12	A The last time may have been around 10:18:38AM	12	going to take your representation of what
13	1999.	13	the law is.
14	Q And were you a party to that civil 10:18:44AM	14	MR. GOODSTADT: Well, that is the law. 10:20:37AM
15	action?	15	MR. NOVIKOFF: I'm asking the witness, 10:20:39AM
16	A You know, I don't remember if I was 10:18:49AM	16	since I represent the village, that if he's
17	particularly sued, but there was a police	17	aware of whether or not there's a
18	officer within the department that was sued.	18	confidentiality agreement, he should say so.
19	Q And what was that matter strike 10:18:56AM	19	If he's not, he can answer the question.
20	that.	20	MR. CONNOLLY: You can answer the 10:20:48AM
21	Who was the plaintiff in that matter? 10:19:01AM	21	question.
22	A Christopher Cuneen, C-U-N-E-E-N. 10:19:03AM	22	A I'm not aware. 10:20:50AM
23	Q And who were the defendants? 10:19:10AM	23	Q You're not aware of what it settled 10:20:51AM
24	A I don't remember if I was a named 10:19:12AM		for?
25	defendant, but Sergeant Bob Golopi and of course	25	A I'm not aware, no. 10:20:54AM
			,
	Page 22		Page 24
1	GEORGE HESSE	1	GEORGE HESSE
2	the Ocean Beach Police Department and the	2	MR. GOODSTADT: Ken, if you could just 10:21:28AM
3	Village of Ocean Beach.	3	put your microphone back on so all this
4	Q And what was Mr. Cuneen alleging in 10:19:21AM	4	stuff is on the record.
5	his lawsuit?	5	MR. NOVIKOFF: I think it is on the 10:21:31AM
6	A That he was brutally beaten up, false 10:19:27AM	6	record. The stenographer and I believe the
7	arrest, violation of civil rights.	7	videographer nodded with approval when I
8	Q Who did he allege beat him up? 10:19:35AM	8	took the mic off, indicating, at least to
9	A He may have alleged myself and 10:19:39AM	9	me, that he could hear me.
10	Sergeant Golopi.	10	MR. GOODSTADT: Is it picking up? 10:21:41AM
11	Q And you testified under oath in a 10:19:53AM	11	Yeah, because I think we had one deposition
12	deposition or in some other form?	12	where it didn't.
13	A In a deposition. 10:19:57AM		BY MR. GOODSTADT: 10:21:47AM
14	Q Who represented you in that matter? 10:19:59AM	14	Q Now, prior to the 1999 case with 10:21:47AM
15	A I don't recall. 10:20:01AM		Mr. Cuneen, when was the time before that that
16	Q Did you testify at a trial in that 10:20:04AM		you testified under oath in a civil matter?
17	matter? A No. 10:20:06AM	17   18   2	A I believe the one prior to that 10:21:56AM
18 19			actually, you know what, I'm mistaken. There might have been one just prior to that before
20	Q Did that matter get to a trial? 10:20:07AM A No. 10:20:09AM		that one, working our way back. Bruce Mancada.
21	Q Do you know how that case was 10:20:09AM	20 (	Q Do you know how to spell Mancada? 10:22:11AM
22	resolved?	22	A It's M-A-N-C-A-D-A. 10:22:14AM
23	A I believe there was a settlement. 10:20:11AM	23	Q And Mr. Mancada was a plaintiff in the 10:22:22AM
24	Q Do you know what the settlement was 10:20:14AM		matter that you testified in?
25	for?	25	A Yes. 10:22:25AM
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6 (Pages 21 to 24)

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	Page 25	Page 27
1	GEORGE HESSE	1 GEORGE HESSE
2	Q Were you a defendant in that case? 10:22:26AM	2 Q Were there any criminal charges 10:23:57AM
3	A Yes. 10:22:27AM	3 brought against Mr. Cuneen?
4	Q Where was that case filed, do you 10:22:27AM	4 A Yes. 10:24:01AM
5	know?	5 Q What were the charges brought against 10:24:02AM
6	A I believe in Suffolk County. 10:22:29AM	6 Mr. Cuneen?
7	Q Where was the Cuneen case filed, do 10:22:34AM	7 A I wouldn't say criminal it was 10:24:05AM
8	you know?	8 actually, there were two incidents with
9	A Also, I believe, Suffolk County. 10:22:37AM	9 Mr. Cuneen. One dealt with me, where he was
10	·	10 trespassing on private property, and he was
11	Q And who were the defendants in 10:22:43AM Mr. Mancada's case?	11 arrested for that. And then later he was
12		12 rearrested for harassment, maybe. I don't know
13	A That would be me and a Billy Powell. 10:22:46AM	•
	Q And what were the allegations that 10:22:54AM	13 the particulars of the charges, but he was
14	Mr. Mancada made against you and Mr. Powell?	14 rearrested later, when I wasn't present.
15	A Excessive force, violation of civil 10:22:59AM	Q Do you know whether he was convicted 10:24:35AM
16	rights.	on any of those arrests?
17	MR. NOVIKOFF: I'm sorry, Andrew. Did 10:23:10AM	17 A I don't know. 10:24:43AM
18	we establish this was before or after the	18 Q And who arrested him for trespassing? 10:24:44AM
19	first case that he talked about?	19 A I was the arresting officer. 10:24:46AM
20	MR. GOODSTADT: He believed it was 10:23:16AM	20 Q And who was the arresting officer for 10:24:48AM
21	closer to today	21 the harassment or other crime?
22	MR. NOVIKOFF: Okay. Got it. 10:23:19AM	22 A Bob Golopi, Sergeant Bob Golopi. 10:24:54AM
23	MR. GOODSTADT: than the Cuneen 10:23:20AM	Q And Bob Golopi was one of the 10:24:59AM
24	matter.	24 defendants in that matter?
25	MR. CONNOLLY: At or about 1999. 10:23:23AM	25 A Yes. 10:25:05AM
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1	Page 26	Page 28
1	Page 26 GEORGE HESSE	Page 28 1 GEORGE HESSE
2	Page 26  GEORGE HESSE THE WITNESS: I believe it was 2000, 10:23:26AM	Page 28  1 GEORGE HESSE 2 Q And he was alleged to have physically 10:25:05AM
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7 (Pages 25 to 28)

	13	109
	Page 29	Page 31
1	GEORGE HESSE	1 GEORGE HESSE
2	A I was. 10:25:53AM	2 Q And who was the plaintiff in that 10:27:41AM
3	Q What did Mr. Mancada allege you to 10:25:58AM	3 matter?
4	have done?	4 A Kenneth Ryan. 10:27:43AM
5	A I believe just an excessive use of 10:26:04AM	5 Q Were you a defendant in that matter? 10:27:48AM
6	force and violated his civil rights. I don't	6 A Yes. 10:27:50AM
7	really recall the whole complaint.	7 Q Who were the other defendants? 10:27:51AM
8	Q Do you recall anything that he alleged 10:26:12AM	8 A I might have been the only one. I'm 10:27:52AM
9	that you had done to him that he believed was	9 not sure. I don't recall.
10	excessive force?	Q What was the allegation that Mr. Ryan 10:27:57AM
11	A No. 10:26:16AM	11 made against you in that matter?
12	Q So you don't know if he was convicted 10:26:22AM	12 A Excessive force, violation of civil 10:28:01AM
13	for anything	13 rights.
14	A I don't recall. 10:26:25AM	14 Q Just so we're clear, the Cuneen 10:28:08AM
15	Q in connection with that matter? 10:26:25AM	15 matter, Golopi was a defendant. Was the beach
16	How about and I think you testified 10:26:29AM	16 also a defendant in that matter?
17	that did you testify that Golopi was a	17 A Yes. 10:28:18AM
18	sergeant at the time?	18 Q And the same thing with Mancada 10:28:19AM
19	A Yes, I did. 10:26:38AM	19 matter. It was you, Powell. The beach also was
20	MR. NOVIKOFF: Objection. Asked and 10:26:40AM	20 a defendant?
21	answered.	21 A Correct. 10:28:24AM
22	A Yes. 10:26:41AM	Q Were any other individuals that were 10:28:24AM
23	Q He was? You reported to him at that 10:26:41AM	23 defendants in that matter?
24	time?	2 4 A In which one? 10:28:27AM
25	A I reported to him? Yes. 10:26:46AM	25 <b>Q Mancada. 10:28:28AM</b>
	Page 30	Page 32
1	GEORGE HESSE	1 GEORGE HESSE
1 2	GEORGE HESSE  O Then how about the time before the 10:26:51AM	1 GEORGE HESSE 2 A Not that I recall. 10:28:29AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Cuneen testimony, when did that happen?  MR. NOVIKOFF: Objection to form. 10:26:57AM BY MR. GOODSTADT: 10:26:58AM  Q The time prior to the Cuneen matter, 10:26:58AM when was the closest in time to that that you testified under oath in a civil matter?  MR. NOVIKOFF: Objection to form. 10:27:08AM MR. CONNOLLY: You can answer. 10:27:08AM A I really don't understand the 10:27:10AM question.  Q Right. We're going in reverse 10:27:12AM chronological on your civil testimony, correct? A Right. 10:27:15AM Q So you have Mancada is the most 10:27:16AM recent, other than for today. A Okay. 10:27:20AM Q Then Cuneen? 10:27:21AM A Correct. 10:27:22AM Chronological order, when was the time before that that you testified in a civil matter?	Q How about in Cuneen? 10:28:30AM A Not that I recall. 10:28:32AM Q And Ryan, was the beach a defendant? 10:28:33AM Q Who represented you in the Ryan 10:28:40AM Ratter? A I don't recall. 10:28:43AM Q When you testified, was it at a 10:28:43AM Q When you testified, was it at a 10:28:43AM Q When you testified, was it at a 10:28:43AM Q When you testified, was it at a 10:28:43AM Q And what were the allegations that 10:28:51AM Mr. Ryan made that led him to claim that you used excessive force and violated his civil rights? A Repeat that. 10:29:00AM Q Yes. 10:29:01AM What what conduct did Mr. Ryan 10:29:02AM allege that you engaged in that amounted to excessive force and a violation of his civil rights?  MR. NOVIKOFF: Alleged in the 10:29:12AM

8 (Pages 29 to 32)

13110 Page 33 Page 35 GEORGE HESSE 1 GEORGE HESSE 1 2 2 BY MR. GOODSTADT: 10:31:02AM A I think he alleged that I hit him in 10:29:14AM 3 3 the face with a baton and that I falsely Q Were you a defendant? 10:31:02AM 4 Say that again. 4 arrested him. 10:31:04AM 5 5 Were you a defendant? 10:31:04AM Did that matter go to trial? 10:29:25AM Q Q 6 Α 10:29:27AM 6 Α 10:31:06AM 7 7 Q O Do you know how that matter was 10:29:28AM Who were the other defendants? 10:31:06AM I would believe just the Village of 10:31:09AM 8 disposed of or resolved? 8 9 Ocean Beach. I don't know if there were any 9 No. 10:29:31AM 10 You don't know if there was a 10:29:32AM 10 others. O 11 settlement in that matter? 11 Q And what did Mr. Bloomberg allege in 10:31:16AM 12 A I don't know. 10:29:35AM 12 his complaint? 13 Q Were any criminal charges brought 13 10:29:48AM Α Excessive use of force and violating 10:31:19AM against you in connection with the Ryan matter? 14 14 his civil rights. 15 15 A No. 10:29:54AM And what did -- what conduct did he 10:31:32AM 16 Q Were there any criminal -- well, 10:29:54AM 16 allege that you engaged in that amounted to 17 17 excessive force and a violation of his civil strike that. Was he arrested at all in connection 10:29:54AM 18 18 rights? 19 Α What amount of conduct did I do? 19 with that matter? 10:31:41AM 20 Α Yes. 10:29:57AM 20 Well, what conduct did he allege that 10:31:44AM 21 O What was he arrested for? 10:29:57AM 21 you did that amounted to excessive force and a 22 22 Disorderly conduct and resisting violation of his civil rights? Α 10:29:59AM 23 23 MR. NOVIKOFF: In the complaint? arrest. 10:31:51AM 24 MR. GOODSTADT: What was he alleging 10:31:52AM 24 Q And who was the arresting officer in 10:30:05AM 25 25 that matter? in the complaint. Page 34 Page 36 1 GEORGE HESSE 1 GEORGE HESSE 2 2 A I was. 10:30:08AM I don't really recall exactly. 10:31:56AM 3 3 Q Was he actually charged with those 10:30:09AM Q Was there a trial in that matter? 10:31:59AM 4 crimes after being arrested? 4 Α 10:32:01AM 5 5 Yes. Α 10:30:13AM Q Do you know how that matter was 10:32:01AM 6 10:30:14AM 6 resolved or disposed of? O Was there a trial? 7 10:30:18AM 7 Α No. 10:32:05AM Α No. 8 O Did he take a plea? 10:30:19AM 8 Q You don't know if there was a 10:32:05AM 9 9 10:30:21AM settlement? Α 10 0 Do you know what he pled to? 10:30:21AM 10 Α No. 10:32:08AM He may have pled to the disorderly 11 11 10:30:24AM Q Who represented you in connection with 10:32:10AM 12 conduct, and he allocuted. 12 that matter? 13 And how about the time before Kenneth 10:30:35AM 13 I don't recall. 10:32:12AM Α 14 Ryan in which you testified in a civil matter, 14 Q Do you know where that matter was 10:32:12AM 15 when was that? 15 filed? 16 The next one. 10:30:44AM 16 Maybe Suffolk County. 10:32:14AM 17 17 How about the Ryan matter, do you know 10:32:16AM In reverse chronological order, the 10:30:46AM Q 18 time that you testified in a civil matter prior 18 where that was filed? 19 to the Ryan matter. 19 Maybe Suffolk County also. 10:32:19AM 20 20 It may have been '93 or '94. 10:30:52AM Were there any times that you 10:32:23AM 21 21 Q And who was the plaintiff in that 10:30:54AM testified in a civil matter other than for today 22 matter? 22 and the four that you just testified to? 23 23 A Michael Bloomberg. 10:30:56AM Not that I recall. 10:32:30AM 24 24 MR. NOVIKOFF: The mayor? 10:30:58AM Well, we're doing a good job so far, 10:32:36AM but it's important that you give verbal answers 25 THE WITNESS: No. 10:31:01AM

9 (Pages 33 to 36)

	Page 37	Page 39
1		
1	GEORGE HESSE	1 GEORGE HESSE
2	so we can get a written record as well as a	2 MR. NOVIKOFF: Objection. 10:34:01AM 3 Just allegations in the complaint or 10:34:02AM
3	videotaped transmission of this deposition; is	4 just allegations at all?
4	that okay?	5 MR. GOODSTADT: Allegations generally. 10:34:06AM
5	A I understand. 10:32:48AM	6 MR. NOVIKOFF: Okay. Objection to 10:34:09AM
6	Q If I ask a question that you don't 10:32:49AM	7 form.
7	understand or you don't hear, just ask me to	8 MR. CONNOLLY: Allegations that would 10:34:11AM
8	repeat it or rephrase it, okay?	9 have been ultimately contained in the
9	A Okay. 10:32:58AM	10 complaint.
10	Q If I use a term that you don't 10:32:58AM	11 MR. NOVIKOFF: Yeah, I don't 10:34:15AM
11	understand or you don't hear, again, just ask me	12 understand the question.
12	to repeat it or rephrase it, okay?	13 BY MR. GOODSTADT: 10:34:17AM
13	A Okay. 10:33:05AM	14 Q Do you understand what I mean by 10:34:18AM
14	Q Because if you do answer a question, 10:33:07AM	15 allegations?
15	I'm going to assume that you both understood it	16 A Just repeat the question, please. 10:34:=
16	and that you heard it.	19AM
17	A Okay. 10:33:12AM	Q When did you first learn that the 10:34:21AM
18	MR. NOVIKOFF: Note my objection. 10:33:13AM	18 plaintiffs in this case were making allegations
19	BY MR. GOODSTADT: 10:33:14AM	19 against the beach and you?
20	Q It's important that you let me finish 10:33:14AM	20 MR. NOVIKOFF: Objection. Form. 10:34:27AM
21	my question, just as it's important that I let	21 A I don't recall the date. 10:34:29AM
22	you finish your answer. It's just again so we	Q Do you recall how you learned of it? 10:34:30AM
23	have a clean record; is that okay?	23 A I believe I received a notice of claim 10:34:34AM
24	A Yes. 10:33:19AM	24 at some point. I don't remember the date.
25	Q If there's any point in time that you 10:33:20AM	25 Q How did you receive that notice of 10:34:41AM
	Page 38	Page 40
1	GEORGE HESSE	1 GEORGE HESSE
2		
	feel that you need to take a break or you want	2 claim?
	feel that you need to take a break or you want to take a recess, just let me know. I'll be	· · · · · · · · · · · · · · · · · · ·
3	to take a recess, just let me know. I'll be	2 <b>claim?</b> 3 A I don't recall. 10:34:46AM
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to take a recess, just let me know. I'll be happy to accommodate that, okay?  A Yes. 10:33:28AM  Q Are you presently taking any 10:33:28AM medications?  A No. 10:33:32AM  Q Is there anything that can think of 10:33:32AM that would prevent you from testifying fully and truthfully today?  A No. 10:33:38AM  Q Are you sick at all today? 10:33:39AM  A No. 10:33:40AM  Q Are you represented by an attorney in 10:33:44AM connection with this matter?  A Yes. 10:33:48AM  Q Who is that? 10:33:48AM  A Kevin Connolly. 10:33:49AM  Q And he's sitting right next to you, 10:33:50AM correct?  A Correct. 10:33:53AM	2 claim? 3 A I don't recall. 10:34:46AM 4 Q You don't recall whether it was 10:34:48AM 5 delivered by mail, by hand, overnight, E-mail, 6 fax? 7 A I don't recall. 10:34:54AM 8 Q Do you recall where you were when you 10:34:55AM 9 received it? 10 A I don't recall. 10:34:58AM 11 Q Who did you speak with about the 10:35:03AM 12 notice of claim when you received it? 13 MR. NOVIKOFF: Objection. 10:35:08AM 14 A I believe the first person I had 10:35:09AM 15 spoken to was Maryann Minerva. 16 Q Who's she? 10:35:17AM 17 A She's the village administrator. 10:35:18AM 18 Q Did you reach out to her or did she 10:35:26AM 19 reach out to you in connection with that 20 discussion? 21 A I don't know. 10:35:31AM 22 MR. NOVIKOFF: Objection. Form. 10:35:33AM
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to take a recess, just let me know. I'll be happy to accommodate that, okay?  A Yes. 10:33:28AM  Q Are you presently taking any 10:33:28AM medications?  A No. 10:33:32AM  Q Is there anything that can think of 10:33:32AM that would prevent you from testifying fully and truthfully today?  A No. 10:33:38AM  Q Are you sick at all today? 10:33:39AM  A No. 10:33:40AM  Q Are you represented by an attorney in 10:33:44AM connection with this matter?  A Yes. 10:33:48AM  Q Who is that? 10:33:48AM  A Kevin Connolly. 10:33:49AM  Q And he's sitting right next to you, 10:33:50AM correct?  A Correct. 10:33:53AM	2 claim? 3 A I don't recall. 10:34:46AM 4 Q You don't recall whether it was 10:34:48AM 5 delivered by mail, by hand, overnight, E-mail, 6 fax? 7 A I don't recall. 10:34:54AM 8 Q Do you recall where you were when you 10:34:55AM 9 received it? 10 A I don't recall. 10:34:58AM 11 Q Who did you speak with about the 10:35:03AM 12 notice of claim when you received it? 13 MR. NOVIKOFF: Objection. 10:35:08AM 14 A I believe the first person I had 10:35:09AM 15 spoken to was Maryann Minerva. 16 Q Who's she? 10:35:17AM 17 A She's the village administrator. 10:35:18AM 18 Q Did you reach out to her or did she 10:35:26AM 19 reach out to you in connection with that 20 discussion? 21 A I don't know. 10:35:31AM 22 MR. NOVIKOFF: Objection. Form. 10:35:33AM

10 (Pages 37 to 40)

Page 41	Page 43
raye 41	raye 43
1 GEORGE HESSE	1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. Form. 10:35:37AM	2 Q How long did the conversation last? 10:37:10AM
3 A I don't recall. 10:35:38AM	3 A I don't recall. 10:37:12AM
4 Q What did you discuss with her? 10:35:41AM	4 Q Did you speak to well, strike that. 10:37:16AM
5 A We may have read the complaint 10:35:47AM	Who else did you speak with about the 10:37:19AM
6 together and may have made some opinions about	6 notice of claim?
7 it.	7 MR. NOVIKOFF: Objection. Form. 10:37:23AM
8 MR. CONNOLLY: Are we speaking of the 10:35:56AM	8 A I'm sure at some point I spoke to 10:37:25AM
9 complaint or the notice of claim?	9 Joseph Loeffler.
10 THE WITNESS: Notice of claim. 10:36:00AM	Q Do you actually recall speaking with 10:37:33AM
11 BY MR. GOODSTADT: 10:36:01AM	11 him?
Q And tell me the substance of the 10:36:01AM	12 A Not particularly, no. 10:37:36AM
13 conversation.	Q So you don't know whether you actually 10:37:38AM
14 A I really don't recall the substance. 10:36:04AM	14 spoke with him?
Q What opinions did you guys reach at 10:36:06AM	15 A I don't recall. 10:37:43AM
16 that time?	Q Can you think of anything that would 10:37:45AM
MR. NOVIKOFF: Objection. Form. 10:36:10AM	17 refresh your recollection?
18 A I was upset. 10:36:13AM	18 A No. 10:37:47AM
19 <b>Q How come?</b> 10:36:16AM	19 Q What led you to believe that you 10:37:47AM
20 A Because I thought it was baseless. 10:36:18AM	20 likely spoke with him?
Q Did you discuss that with Ms. Minerva 10:36:22AM	A Well, at the time, he was a trustee. 10:37:52AM
22 at the time?	22 And I don't remember how we got into contact
23 A Yes. 10:36:25AM	23 with each other, but I'm sure at some point we
Q What did you tell her about your 10:36:25AM	24 did speak about it.
25 belief that it was baseless?	Q Did you speak with any other trustees 10:38:07AM
D 40	D 44
Page 42	Page 44
1 GEORGE HESSE	1 GEORGE HESSE
2 A I figured that the entire complaint 10:36:30AM	2 other than for Mr. Loeffler about the notice of
3 was out of line and it was just based on lies.	3 claim?
4 Q Did you tell her why you thought it 10:36:39AM	4 A No trustees, no. 10:38:11AM
5 was based on lies?	5 Q Why would you speak to Loeffler as 10:38:13AM
6 A I don't recall. 10:36:42AM	6 opposed to the other trustees?
7 Q What did she say to you in that 10:36:44AM	7 A I believe at that point, when he was a 10:38:20AM
8 conversation?	8 trustee and Mayor Loeffler was Mayor Rogers
9 MR. NOVIKOFF: Objection. 10:36:47AM	9 was in office, I don't want to say that he was a
10 A She agreed with me. 10:36:47AM	10 liaison, but I think he understood the police
Q Do you recall anything else that she 10:36:52AM	department's operation better than she would, so
said other than for saying I agree with you?	12 I think he would just kind of interpret things
13 A No. 10:36:55AM	13 for her.
Q Do you recall anything else that was 10:36:56AM	Q Did he have a title of police liaison 10:38:41AM
15 stated during that conversation other than what	15 at the time?
16 you've testified to?	16 A No. 10:38:45AM
A I don't recall at this time. 10:37:01AM	Q Does that title exist? 10:38:45AM
18 Q Is there anything that you can think 10:37:02AM	18 A Not that I'm aware of, no. 10:38:47AM
19 of that would refresh your recollection?	19 Q You don't recall any of the substance 10:38:54AM
20 A No. 10:37:06AM	20 of that conversation?
Q Did you take any notes of the 10:37:07AM	21 A I don't recall, no. 10:38:57AM
22 conversation?	Q Did you speak with Mayor Rogers about 10:38:58AM
23 A No. 10:37:08AM	23 the notice of claim?
Q Was anyone else there? 10:37:08AM	24 A Yes. 10:39:01AM
25 A No. 10:37:10AM	Q And when was that? 10:39:01AM

11 (Pages 41 to 44)

Page 45	Page 47
1 GEORGE HESSE	1 GEORGE HESSE
2 A Repeat that. 10:39:03AM	2 Q What did she say you to during the 10:40:36AM
<b>Q</b> When was that conversation? 10:39:04AM	3 conversation that you recall?
4 A I don't recall the date. 10:39:05AM	4 A She had brought up Ed Paradiso. 10:40:40AM
5 Q Was that in person or on the phone? 10:39:06AM	5 Q What did she say about Ed Paradiso? 10:40:43AM
6 A In person. 10:39:09AM	6 A That she was disappointed in him. 10:40:45AM
7 Q Just going back to the Loeffler 10:39:09AM	7 Q Did she tell you she was disappointed 10:40:50AM
8 discussion, was that in person or on the phone?	8 in Ed Paradiso?
9 A In person. 10:39:14AM	9 A Because he just kind of fell off the 10:40:55AM
10 Q Was anyone else there? 10:39:15AM	10 face of the earth and really had no
11 A Not that I recall. 10:39:17AM	11 participation in anything that was happening to
Q Did you ever refer to Loeffler as the 10:39:20AM	12 the police department, and that was it.
13 police liaison?	Q Was Ed Paradiso on active duty at the 10:41:05AM
A Nothing official that I can recall. 10:39:25AM	14 time?
15 Q How about unofficially, did you ever 10:39:29AM	15 A At that point, no. 10:41:11AM
16 refer to him as the police liaison?	16 Q So she was referring to him not 10:41:14AM
17 A Not that I recall. 10:39:34AM	participating in anything while he was not
Q So it's possible that you did? 10:39:34AM	18 active?
19 A Yeah. 10:39:36AM	19 MR. NOVIKOFF: Objection. 10:41:18AM
20 MR. NOVIKOFF: Objection. 10:39:37AM	20 A He was on medical leave, I guess. I 10:41:20AM
21 BY MR. GOODSTADT: 10:39:38AM	21 don't know what the terminology is they
Q When did you speak with Rogers, was 10:39:41AM	22 officially used, but he was out.
23 that before or after speaking with Loeffler,	23 Q But that's what she was saying, she 10:41:29AM
24 about the notice of claim?	24 was disappointed that he wasn't participating in
A I don't recall if it was before or 10:39:48AM	25 anything at that time, while he was on the
Page 46	Page 48
1 GEORGE HESSE	1 GEORGE HESSE
2 after.	2 medical or whatever the term is?
<b>Q</b> What did you discuss with Mayor Rogers 10:39:53AM	3 MR. NOVIKOFF: Objection to form. 10:41:38AM
4 about the notice of claim?	4 A That's correct. 10:41:39AM
5 A Just that, in my opinion, it was 10:39:57AM	5 Q Did she say anything else about Ed 10:41:40AM
6 baseless.	6 Paradiso?
7 Q And what did she say? 10:40:00AM	7 A Not that I recall. 10:41:42AM
8 A I don't remember her reaction. 10:40:03AM	8 Q Did you respond to her disappointment 10:41:43AM
9 Q Do you remember anything she said to 10:40:04AM	9 about Paradiso?
10 you in that conversation?	10 A I agreed with her. 10:41:46AM
11 A Not in reference to the notice of 10:40:12AM	11 Q Did you expect Paradiso to participate 10:41:49AM
12 claim.	12 while he was out on medical leave?
13 (Whereupon, the referred to portion 10:40:18AM	13 MR. NOVIKOFF: Objection. 10:41:54AM
was read back by the court reporter: Q, Do	14 A I would yes, I expected him to 10:41:55AM
you remember anything she said to you in	15 participate in something.
16 that conversation? A, Not in reference to	16 Q What did you expect him to participate 10:41:58AM
the notice of claim.)	17 in?
18 BY MR. GOODSTADT: 10:40:27AM	18 A He was still the chief of the police 10:42:02AM
19 <b>Q</b> How about in reference to any of the 10:40:27AM	19 department. He has some liabilities involved in
20 allegations in the notice of claim?	20 everything that we were doing.
MR. NOVIKOFF: Objection. Form. 10:40:31AM	21 Q Do you recall anything else that you 10:42:14AM
22 A Not that I recall. 10:40:32AM	22 discussed with Ms. Rogers during that
Q Do you recall anything she said to you 10:40:33AM	23 conversation?
24 during that conversation?	2 4 A No. 10:42:18AM
25 A Yes. 10:40:36AM	25 Q And when she said that Ed Paradiso 10:42:21AM

12 (Pages 45 to 48)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 13 of 236 PageID #: Page 49 Page 51 GEORGE HESSE 1 GEORGE HESSE 2 wasn't participating in anything, was she claims in the notice of claim with him? 3 talking about the stuff that was set forth in A No. 10:44:09AM 4 the notice of claim or just generally wasn't Have you ever discussed the substance 10:44:11AM participating? 5 of the allegations in the notice of claim or the A I think generally. 10:42:31AM 6 complaint in this lawsuit with Ed Paradiso? 7 MR. NOVIKOFF: Objection to form. 10:44:20AM Did vou ever speak to Ed Paradiso 10:42:35AM 8 10:44:21AM about the notice of claim? A No. I don't recall. 9 Α Yes. 10:42:39AM What was the everything that you 10:44:29AM When was that? 10:42:40AM 10 thought you were getting blamed for? Q I don't recall. 10:42:42AM 11 A Just the overall operation of the 10:44:34AM Q Was that before or after you spoke 10:42:44AM 12 police department. Everything was just falling with Rogers? 13 onto my lap. I was carrying the burden of A I don't recall. everything that happened to be going wrong. 10:42:47AM 14 15 Was it in person or on the phone? 10:42:49AM Q Was there anything going wrong other 10:44:44AM O than for receiving a notice of claim from the A On the phone. 10:42:51AM 16 plaintiff in this matter? Q Did you call him or he called you? 17 10:42:52AM A He called me. 10:42:54AM 18 MR. NOVIKOFF: Objection to form. 10:44:51AM 19 Q Did he call you at home or at the 10:42:55AM We had some internal issues. 10:44:52AM station or elsewhere? 20 What were those. 10:44:54AM At the station. 10:43:00AM 21 MR. NOVIKOFF: Well, were you done 10:44:56AM 22 Approximately how long after you with your answer? 10:43:02AM received the notice of claim did he call you to 23 BY MR. GOODSTADT: 10:44:59AM Q You can finish. I'm sorry. We have 10:44:59AM 24 discuss it? 25 I don't recall. 10:43:07AM that understanding that we're going to let each Page 50 Page 52 **GEORGE HESSE** 1 GEORGE HESSE 2

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reference to the job was his fault.

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Q And tell me everything you recall from 10:43:09AM that conversation.

A I expressed my disappointment in him 10:43:18AM as the chief and that I believed that the majority of what was going on with me in

Q What do you mean by that? 10:43:29AM A Just that I'm getting blamed for 10:43:32AM 10 absolutely everything, and he's chief of police.

Q Do you recall what he said in response 10:43:42AM 12 to that?

13 A Just a lot of, oh, I understand, 10:43:45AM 14

Georgie. Q Do you recall anything else you said 10:43:48AM other than for the fact that you were getting blamed for everything and he's the chief of police? Α Repeat that. 10:43:56AM

Q Did you discuss anything else other 10:43:57AM than for telling him that you're getting blamed

22 for everything even though he's the chief of police? 23

24 A No. 25

Did you discuss the substance of the 10:44:05AM

10:44:05AM

other finish.

3 A We were having some internal issues, 10:45:04AM 4 and I believe also the -- an incident that I was 5 involved with later.

Q Anything other than for the notice of 10:45:21AM claim, the internal issues and that incident that you're referring to when you told Chief Paradiso that you were getting blamed for everything?

11 MR. NOVIKOFF: Note my objection to 10:45:30AM 12 the form.

I don't recall. 10:45:32AM

Q What internal issues were you 10:45:33AM referring to?

16 A We had an incident back in 2004, and 10:45:37AM 17 we all know it here at this table, called the

18 Halloween incident. There was a lot of

19 animosity within the police department that 20 needed to be rectified that was never done.

21 Q Animosity between who? 10:45:58AM 22

Α Employees. 10:46:00AM 23 Q Who were the employees that there was 10:46:01AM

24 animosity between? 25

That would be Kevin Lamm, Frank 10:46:04AM

13 (Pages 49 to 52)

	Page 53		Page 55
1	GEORGE HESSE	1	GEORGE HESSE
2	Fiorillo, Tom Snyder, Gary Bosetti, Richard	2	A Not that I recall. 10:48:00AM
3	Bosetti. There may have been some others that I	3	Q And what insubordination are you 10:48:03AM
4	don't recall at this time.	4	referring to with respect to Fiorillo?
5	Q Do you recall anyone else that there 10:46:17AM	5	A There are some particular times where 10:48:08AM
6	was animosity between that you're referring to?	6	he was asked to do something and flat-out
7	A Repeat that. 10:46:21AM	7	refused.
8	Q Anyone else that there was animosity 10:46:22AM	8	Q And what were those things he was 10:48:15AM
9	between that you're referring when you say there	9	asked to do that he refused?
10	was animosity in the department?	10	A Well, there was one incident where I 10:48:19AM
11	A I don't recall at this time. 10:46:26AM	11	asked him to just take a little Windex and
12	Q Ty Bacon? 10:46:28AM	12	squirt one of the windows on the police car, and
13	A There may have been. I don't know. 10:46:31AM	13	I was told to go fuck myself, he wasn't gonna do
14	Q Patrick Cherry? 10:46:32AM	14	it.
15	A No. 10:46:34AM	15	Q Did you write him up for that? 10:48:31AM
16	Q John Dyer? 10:46:37AM	16	A Yes, I did. 10:48:33AM
17	A No. 10:46:39AM	17	Q Any other incidents that you're 10:48:39AM
18	Q And when you say there was animosity, 10:46:43AM	18	referring to other than for squirting the Windex
19	it was between Lamm, Fiorillo and Snyder on one	19	on the police window?
20	side and the Bosettis on the other?	20	A Yeah. There was a time where he and 10:48:46AM
21	MR. NOVIKOFF: Objection to form. 10:46:52AM	21	Kevin Lamm came to me and asked me if they
22	A Yes. 10:46:53AM	22	could when they're writing summons, if they
23	Q Was there animosity between you and 10:46:55AM	23	could take bail out on the street in a police
24	the Bosettis in connection with the Halloween	24	car, and I told them no, you cannot do that;
25	incident?	25	it's called station house bail for a reason.
	Page 54		Page 56
1	_	1	GEORGE HESSE
1 2	GEORGE HESSE A No. 10:47:00AM	1 2	They went over my head. They went to 10:49:01AM
3	Q Was there animosity between you and 10:47:01AM	3	Judge Russell at the time. Judge Russell, not
4	Fiorillo, Snyder and Lamm?	4	being a criminal judge but a civil judge or
5	A No. 10:47:04AM	5	attorney, gave them wrong information,
6	Q When did that animosity start? 10:47:13AM	6	misinformation, and told them that they can do
7	A Probably right right away, in 2004, 10:47:18AM	7	it.
8	October 31st.	8	They asked me again. I told them 10:49:17AM
9	Q So before that, there was no animosity 10:47:23AM	9	again, no, you cannot do it, and I actually
10	between the Bosettis and those three plaintiffs	10	caught them taking money from somebody they were
11	that you're referring to?	11	writing up in the police car just outside the
12	A Not that I'm aware of. 10:47:30AM	12	police department, and they tried to hide it
13	MR. NOVIKOFF: Objection. 10:47:32AM	13	from me, because they hid the bail book in I
14	BY MR. GOODSTADT: 10:47:32AM	14	believe Kevin Lamm came in, grabbed the bail
15	Q Were any other and we'll discuss 10:47:35AM	15	book and went outside and tried to take bail.
16	Halloween a little bit later. But were there	16	Q Were you upset that they went to Judge 10:49:41AM
17	any other internal issues that you're referring	17	Powell? Is that his name?
18	to other than for the Halloween incident?	18	A Russell. 10:49:45AM
19	A There was some regular insubordination 10:47:45AM	19	Q Russell. Were you upset that they 10:49:46AM
20	from some members of the police department and	20	went to Judge Russell?
21	myself.	21	A No, I wasn't upset. It was just 10:49:50AM
22	Q And who was that? 10:47:51AM	22	incorrect procedure.
23	A That would be Frank Fiorillo and Kevin 10:47:52AM	23	Q It's a break in the chain of command? 10:49:55AM
24	Lamm.	24	A You could say that. 10:49:57AM
25	Q Anyone else? 10:47:58AM	25	Q Would you say that? 10:49:58AM

14 (Pages 53 to 56)

	Page 57	Page 59
1	GEORGE HESSE	1 GEORGE HESSE
2	A No. 10:49:59AM	2 MR. NOVIKOFF: Objection. Form. 10:51:43AM
3	Q You wouldn't say that's a break in the 10:49:59AM	3 A Right now, I don't recall. 10:51:44AM
4	chain of command?	4 Q Any other internal issues other than 10:51:45AM
5	A No. Judge is not part of the chain of 10:50:02AM	5 for the Halloween incident and the
6	command.	6 insubordination by Fiorillo and Lamm?
7	Q So it would be breaking the chain of 10:50:05AM	7 A As of right now, I don't recall. 10:51:53AM
8	command?	8 Q Anything that would refresh your 10:51:55AM
9	MR. NOVIKOFF: Objection. Form. 10:50:09AM	9 recollection?
10	A He's not part of the chain of command. 10:50:10AM	10 A I don't recall. I don't know. 10:51:57AM
11	Q So they went outside the chain of 10:50:13AM	11 Q Do you have any notes anywhere 10:51:58AM
12	command?	12 A I have no notes. 10:51:59AM
13	A Yes. 10:50:16AM	13 Q in a file? 10:52:00AM
14	Q Is that improper? 10:50:16AM	And then you testified that you're 10:52:04AM
15	A That's improper, yes. 10:50:17AM	15 referring to an incident that you were involved
16	Q Did you write them up for that 10:50:21AM	16 with later when you were talking about being
17	incident?	blamed for everything. What were referring to
18	A No. 10:50:24AM	18 when you said the incident that you were
19	Q How come? 10:50:25AM	19 involved in later?
20	A I counseled them right on the spot. 10:50:26AM	20 A Repeat that. 10:52:17AM
21	Q Did you memorialize that incident in 10:50:30AM	21 Q Yeah, I believe before you 10:52:19AM
22	writing in any way?	22 testified when I asked you what was the
23	A No. 10:50:34AM	23 everything that you thought you were getting
24	Q Any other incidents of insubordination 10:50:36AM	
25	that you're referring to with respect to Lamm or	25 internal issues and the incident that you were
	Page 58	
1	GEORGE HESSE	1 GEORGE HESSE
2	Fiorillo?	2 involved in later. What was the incident that
3	A With Lamm, he had a habit of putting 10:50:45AM	3 you were involved in later that you were
4	handcuffs on somebody urinating in public and	4 referring to?
5	dragging them down through town and bringing	5 A The Gilbert incident. Sam Gilbert. 10:52:31AM
6	them to the police department, and he was told	6 Q And what was that? 10:52:34AM
7	not to do that. Just write the summons on the	7 A That was an arrest that was made. 10:52:35AM
8	spot.	8 Q That you made? 10:52:45AM
9	Q Did you write him up for that? 10:51:02AM	9 A I was an assist on the arrest, but 10:52:49AM
10	A No. 10:51:04AM	10 another police officer made the arrest.
11	Q Did he violate your direction of just 10:51:05AM	11 Q And what do you mean by "incident"? 10:52:57AM
12	writing them up on the spot?	12 Was it anything more than just an arrest?
13	A On a few occasions, yes. 10:51:11AM	13 A No. 10:53:01AM
14	Q Even though he was allegedly 10:51:14AM	14 Q Did Mr. Gilbert sue you? 10:53:03AM
15	insubordinate on a few occasions, you didn't	15 A Yes. 10:53:05AM
16	write him up for it at all?	16 Q For what? 10:53:05AM
17	A No. I counseled him. 10:51:21AM	17 A Excessive force he alleged that we 10:53:06AM
18	Q Did you memorialize it in writing in 10:51:22AM	18 brutally beat him and false arrest, violating
	any way?	19 his civil rights.
19	A No. 10:51:25AM	20 Q And that matter is still pending, 10:53:19AM
19 20	O D' I (CAL)	21 correct?
20 21	Q Did any of the strike that. 10:51:25AM	
20 21 22	Any other incidents of insubordination 10:51:35AM	22 A The civil matter, yes. 10:53:21AM
<ul><li>20</li><li>21</li><li>22</li><li>23</li></ul>	Any other incidents of insubordination 10:51:35AM that you're referring to when you testified a	A The civil matter, yes. 10:53:21AM  Q Who represents you in the civil 10:53:23AM
20 21 22 23 24	Any other incidents of insubordination 10:51:35AM that you're referring to when you testified a moment ago about insubordination with respect to	22 A The civil matter, yes. 10:53:21AM 23 Q Who represents you in the civil 10:53:23AM 24 matter?
20 21 22 23	Any other incidents of insubordination 10:51:35AM that you're referring to when you testified a	A The civil matter, yes. 10:53:21AM  Q Who represents you in the civil 10:53:23AM

15 (Pages 57 to 60)

Case 2:07-cv-01215-SJF-ETB	Document 170-9	9 Filed 01/15/10	Page 16 of 236 PageID #:
	Page 61		Page (

63 1 GEORGE HESSE 1 GEORGE HESSE 2 2 Q Mr. Anesh is at Wilson, Elser, 10:53:34AM his civil rights. I don't recall what else. 3 3 Moskowitz, Edelman and Dicker? Q So let's go back to Gilbert quickly, 10:55:38AM 4 4 10:53:39AM A It's possible. I don't recall. and we'll get into that in some more detail 5 And there is another attorney that is 10:53:40AM 5 later. In Gilbert, you testified already that 6 on the case. I believe her last name is Slim, 6 you were indicted on that matter and tried and 7 7 S-L-I-M. I don't remember her first name. I've acquitted. Was Gilbert charged with any 8 8 criminal conduct with respect to that arrest? only spoken to her once. 9 9 Q Who are the other defendants in that 10:53:52AM Yes. 10:55:54AM 10 10 matter? O And what was he charged with? 10:55:54AM 11 11 MR. NOVIKOFF: On the civil or on the 10:53:56AM Resisting arrest and -- did I say -- I 10:55:56AM 12 criminal? 12 said resisting arrest. Disorderly conduct, 13 13 MR. GOODSTADT: On the civil matter. 10:53:57AM resisting arrest, and he was also issued a 14 That's what we're talking about. 14 littering ticket. 15 15 A On the civil? I believe that would be 10:54:00AM 0 And who was the arresting officer? 10:56:11AM Arnold Hardman. 16 myself. There was Arnold Hardman, possibly --16 10:56:13AM 17 well, the Village of Ocean Beach. To tell you 17 And was he charged with those crimes 10:56:24AM 18 the truth, I don't recall who else is named on 18 that he was arrested for? 19 the suit itself. 19 Mr. Gilbert? Α 10:56:29AM And you were indicted for that? 20 10:54:22AM 20 O Yes. 10:56:30AM Q 21 Α That's correct. 10:54:23AM 21 Yes. 10:56:30AM 22 22 And you were tried for that? 10:54:24AM And was there a trial in that matter? 10:56:31AM O 0 23 10:54:25AM 23 Α That's correct. Α 10:56:33AM 24 24 Q And you were acquitted, correct? 10:54:26AM O Do you know how that -- those charges 10:56:34AM 25 25 That's correct. 10:54:29AM were resolved, if at all? Page 62 Page 64 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 Q Did you testify in the criminal trial? 10:54:29AM A I believe he pled guilty to the 10:56:38AM 3 Α 10:54:32AM 3 littering and they dismissed the other charges No. 4 0 And other than for this matter, the 10:54:39AM 4 in satisfaction. 5 5 Gilbert matter, the other matters that you Okay. So there's no criminal charges 10:56:50AM 6 6 testified to that you testified in a deposition, against him still pending, correct? 7 have you ever been sued civilly? 7 10:56:55AM 8 MR. CONNOLLY: Objection, Andrew, only 10:54:53AM 8 Let's go to Prisco. Who represents 10:56:55AM 9 9 that I don't believe there's been any you in the Prisco matter? 10 testimony that he testified in the Gilbert 10 A I don't recall his name. 10:57:00AM 11 matter. 11 0 And who is Mr. Prisco suing other than 10:57:07AM 12 MR. GOODSTADT: Well, I'm asking now 10:54:59AM 12 for you? 13 has he been sued in any matter. 13 I'm sure the Village of Ocean Beach. 10:57:10AM 14 BY MR. GOODSTADT: 10:55:02AM 14 I don't recall who else is listed. I'm sure 15 O Other than for Gilbert, this incident 10:55:02AM 15 there's a bunch of John Does, but I don't know. 16 and perhaps the other four -- I know you don't 16 And what is Mr. Prisco suing you and 10:57:19AM 17 17 the beach for? know if you were actually sued in the other 18 four. But putting those four aside, Gilbert and 18 Α I believe I said that already. 10:57:24AM 19 this matter, have you ever been sued civilly? 19 0 **Excessive force?** 10:57:25AM 20 20 Α Yes. I do have one other one. 10:55:11AM Α Excessive use of force and civil right 10:57:25AM 21 21 0 And what's the other one? 10:55:13AM violation. 22 Α Jesse Prisco. Actually, I forgot 10:55:15AM 22 Q You did say that. I apologize. 10:57:30AM 23 23 about that one. What did Mr. Prisco allege that you 10:57:32AM 24 24 And what is Mr. Prisco suing you for? 10:55:23AM did that amounted to excessive force and Q 25 Excessive force and maybe violating 10:55:25AM 25 violations of his civil rights?

16 (Pages 61 to 64)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 17 of 236 PageID #: Page 65 Page 67 1 GEORGE HESSE 1 GEORGE HESSE 2 2 Q How about Richard Bosetti, did you MR. NOVIKOFF: In the complaint? 10:57:39AM 3 3 MR. GOODSTADT: In the complaint. 10:57:41AM discuss the notice of claim with him? 4 4 A He said that I dragged him down a 10:57:41AM A I don't recall. 10:59:21AM 5 flight of stairs and that I beat him on the 5 Have you discussed the complaint in 10:59:21AM 6 street and falsely arrested him. 6 this lawsuit or any of the allegations in the 7 7 complaint with Gary Bosetti? Q And were any criminal charges brought 10:57:51AM 8 MR. CONNOLLY: Objection, Andrew, to 10:59:27AM 8 against Mr. Prisco with respect to that matter? 9 9 Yes. 10:57:56AM the extent that I don't know if we've gone 10 Q What were those charges? 10:57:56AM 10 through whether Mr. Hesse had received a 11 There was an assault second. There 10:57:57AM 11 copy of the complaint. 12 was disorderly conduct, resisting arrest. I 12 BY MR. GOODSTADT: 10:59:34AM 13 believe there was some sort of a noise violation 13 Q You were served with a copy of the 10:59:35AM under the village code. 14 14 complaint in this lawsuit, correct? 15 15 Q Was he charged with those crimes that 10:58:08AM A I believe so. 10:59:38AM 16 he was arrested for? 16 Q Have you read the complaint in this 10:59:39AM 17 Yes. 10:58:12AM 17 lawsuit? 18 Q And what was the outcome of those 10:58:12AM 18 Α Yes. 10:59:41AM 19 19 Q Did you ever discuss the complaint or 10:59:42AM charges? 20 A I believe he pled to, I want to say 10:58:15AM 20 any allegations in the complaint with Gary 21 disorderly conduct, but I don't recall. 21 Bosetti subsequent to you receiving it? 22 22 I don't recall. 10:59:49AM Q Were there any criminal charges 10:58:27AM 23 brought against you or any other employees of 23 Did you ever discuss the complaint or 10:59:50AM the village --24 24 any allegations in the complaint with Richard 25 10:58:33AM 25 A No. Bosetti subsequent to your receiving it? Page 66 Page 68 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 I don't recall. 10:59:56AM -- with respect to that case? 10:58:34AM Α 3 Now, you didn't testify under oath at 10:58:36AM 3 Q Did you ever discuss the complaint or 10:59:56AM 4 all in the Prisco or the Gilbert matter, the 4 any allegation in the complaint with yo Loeffler 5 5 civil suits, right? subsequent to you receiving it? 6 Yes. A No. Right. 6 10:58:43AM Α 11:00:03AM 7 Q Now, just going back to what we 10:58:47AM 7 Q How many times? 11:00:04AM 8 discussed before about your discussions with 8 I don't recall. 11:00:05AM 9 9 people when you received the notice of claim. Q Approximately how many times? 11:00:05AM 10 Did you discuss the notice of claim at all with 10 A I really don't know. 11:00:07AM 11 **Gary Bosetti?** 11 Do you recall the substance of any of 11:00:09AM 12 A I may have. 10:58:56AM 12 those conversations that you had with Joe 13 Q And when did you discuss it with him? 10:58:58AM 13 Loeffler about the complaint? 14 10:59:00AM 14 A That we both felt that it was 11:00:14AM A I don't recall. 15 Q Do you recall where you were when you 10:59:00AM 15 baseless. 16 discussed it? 16 Q Did you discuss why you felt it was 11:00:17AM 17 17 baseless with Joe Loeffler? A No. 10:59:02AM 18 MR. NOVIKOFF: Objection. 10:59:03AM 18 Α Just it's all lies. 11:00:21AM 19 BY MR. GOODSTADT: 10:59:04AM 19 Q But did you discuss what you thought 11:00:23AM 20 20 Q Do you recall the substance of the 10:59:07AM were lies? 21 discussion that you had with him with respect to 21 Α The whole thing. 11:00:25AM 22 the notice of claim? 22 Q Every word in the complaint you think 11:00:31AM

23

24

25

is a lie?

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17 (Pages 65 to 68)

11:00:36AM

11:00:33AM

10:59:17AM

10:59:15AM

10:59:16AM

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A No.

MR. NOVIKOFF: Objection.

MR. CONNOLLY: Objection.

Do you recall anything that

	Page 69	Page 71
1	GEORGE HESSE	1 GEORGE HESSE
2	Mr. Loeffler said during those conversations?	2 your conversations with Cherry about the
3	A I don't recall. 11:00:41AM	3 complaint or any allegations of the complaint?
4	Q You don't recall anything he said? 11:00:42AM	4 A Just that it's baseless. 11:02:00AM
5	A I don't recall. 11:00:45AM	5 Q Did you discuss what you thought was 11:02:01AM
6	Q Do you have anything that would 11:00:46AM	6 baseless about it?
7	refresh your recollection that you can think of?	7 A The whole thing. 11:02:04AM
8	A At this time, no. 11:00:51AM	8 Q Did you discuss specifically, other 11:02:05AM
9	Q Do you have any notes? Did you ever 11:00:51AM	9 than for saying the whole thing, any specific
10	have any written correspondence with him about	10 allegations?
11	this matter?	11 MR. NOVIKOFF: Objection as to form. 11:02:11AM
12	A Not that I'm aware of. 11:00:55AM	12 A Just the basics. 11:02:12AM
13	Q Did you ever discuss Mitch Burns with 11:00:57AM	Q Did you discuss the basis of why you 11:02:14AM
14	Joe Loeffler?	14 thought it was baseless with him?
15	A No. 11:01:01AM	15 A Based on lies. 11:02:15AM
16	MR. NOVIKOFF: Objection only as to 11:01:01AM	16 Q That's it? You didn't discuss the 11:02:16AM
17	time frame.	17 actual specific claims at all with him?
18	MR. GOODSTADT: Ever. 11:01:04AM	18 A No. 11:02:21AM
19	A No. 11:01:05AM	19 Q Did you ever discuss the complaint or 11:02:25AM
2.0	Q Did you ever discuss the complaint or 11:01:09AM	any of the allegations in the complaint with
21	any allegations in the complaint with Patrick	21 anyone from the Rivkin Radler law firm?
22	Cherry?	22 A No. 11:02:33AM
23	A Yes. 11:01:15AM	Q Did you ever discuss the complaint or 11:02:37AM
24	Q And when I say Patrick Cherry, I'm 11:01:16AM	24 the allegations in the complaint with Natalie
25	referring to Patrick Cherry, Sr. Is that fair?	25 Rogers?
	Page 70	Page 72
1	Page 70 <b>GEORGE HESSE</b>	Page 72  1 <b>GEORGE HESSE</b>
1 2	-	
	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE A Yes. 11:01:21AM Q How many times did you discuss the 11:01:22AM	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM
2	GEORGE HESSE A Yes. 11:01:21AM	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM
2 3 4	GEORGE HESSE  A Yes. 11:01:21AM  Q How many times did you discuss the complaint or the allegations of the complaint	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM 4 of claim with Natalie Rogers. Now I'm talking
2 3 4 5	GEORGE HESSE  A Yes. 11:01:21AM  Q How many times did you discuss the complaint or the allegations of the complaint with Pat Cherry?	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM 4 of claim with Natalie Rogers. Now I'm talking 5 about the complaint.
2 3 4 5 6	GEORGE HESSE  A Yes. 11:01:21AM  Q How many times did you discuss the 11:01:22AM complaint or the allegations of the complaint with Pat Cherry?  MR. NOVIKOFF: Objection again. Only 11:01:27AM	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM 4 of claim with Natalie Rogers. Now I'm talking 5 about the complaint. 6 MR. NOVIKOFF: Your deposition, and 11:02:50AM
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2 3 4 5 6 7 8 9 10 11 12 13	GEORGE HESSE  A Yes. 11:01:21AM  Q How many times did you discuss the complaint or the allegations of the complaint with Pat Cherry?  MR. NOVIKOFF: Objection again. Only 11:01:27AM once he received the complaint?  MR. GOODSTADT: Subsequent to 11:01:30AM receiving the complaint.  A How many times? 11:01:31AM  Q Yes. 11:01:31AM  A I don't recall. 11:01:32AM  Q Approximately how many times? 11:01:32AM  A I really don't recall. 11:01:34AM	1 GEORGE HESSE 2 A Yes. We went over that. 11:02:42AM 3 Q No. I think we went over the notice 11:02:45AM 4 of claim with Natalie Rogers. Now I'm talking 5 about the complaint. 6 MR. NOVIKOFF: Your deposition, and 11:02:50AM 7 this doesn't count to your time, but I think 8 the witness should know that there's a 9 difference between a notice of claim and a 10 complaint, because maybe his prior answers, 11 there was some confusion. 12 BY MR. GOODSTADT: 11:03:02AM 13 Q Do you understand the difference 11:03:03AM 14 between the two?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	GEORGE HESSE  A Yes. 11:01:21AM  Q How many times did you discuss the complaint or the allegations of the complaint with Pat Cherry?  MR. NOVIKOFF: Objection again. Only 11:01:27AM once he received the complaint?  MR. GOODSTADT: Subsequent to 11:01:30AM receiving the complaint.  A How many times? 11:01:31AM  Q Yes. 11:01:31AM  A I don't recall. 11:01:32AM  Q Approximately how many times? 11:01:32AM  A I really don't recall. 11:01:34AM  Q More than five? 11:01:34AM  A It's possible. 11:01:35AM  Q More than 10? 11:01:36AM  A I don't know. 11:01:37AM	GEORGE HESSE A Yes. We went over that. 11:02:42AM Q No. I think we went over the notice 11:02:45AM of claim with Natalie Rogers. Now I'm talking about the complaint.  MR. NOVIKOFF: Your deposition, and 11:02:50AM this doesn't count to your time, but I think the witness should know that there's a difference between a notice of claim and a complaint, because maybe his prior answers, there was some confusion.  BY MR. GOODSTADT: 11:03:02AM  PO Do you understand the difference 11:03:03AM between the two?  A Yes. 11:03:05AM  Q I mean, certainly you've received 11:03:06AM complaints in the past. You've now testified to six or seven times you've been sued, correct?
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18 (Pages 69 to 72)

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	Page 73	Page 75
1	GEORGE HESSE	1 GEORGE HESSE
2	A Yes. 11:03:18AM	2 Q Did you show him a copy of the 11:04:39AM
3	Q So now I'm just focused on the 11:03:19AM	3 complaint?
4	complaint which was filed in federal court in	4 A No. 11:04:40AM
5	this lawsuit.	
		g so do you mile in was concluding 1100 to 1111111
6	Did you ever discuss the complaint or 11:03:24AM	
7	any of the allegations in the complaint with	7 reached the conclusion that it was baseless if
8	Natalie Rogers?	8 you don't even know that he read the complaint?
9	A I don't recall. 11:03:33AM	9 MR. NOVIKOFF: Objection to form. 11:05:01AM
10	Q You don't recall one way or the other? 11:03:34AM	10 A Because of where it came from. 11:05:05AM
11	A No, I don't. 11:03:37AM	11 Q What do you mean by that? 11:05:07AM
12	Q Is there anything that you can think 11:03:40AM	12 A By the officers who filed it. 11:05:08AM
13	of that would refresh your recollection as to	Q So your understanding is that he 11:05:13AM
14	whether you spoke with her?	14 reached the conclusion it was baseless just
15	A No. 11:03:45AM	15 because it was filed by the five plaintiffs in
16	Q Did you ever discuss the complaint or 11:03:45AM	16 this case?
17	any allegations in the complaint with Ty Bacon?	17 A It's my opinion, yes. 11:05:21AM
18	A Yes. 11:03:50AM	18 Q Did you ever ask him if he knew what 11:05:22AM
19	Q How many times? 11:03:50AM	19 they were alleging?
20	A I don't know. 11:03:52AM	20 A No. 11:05:24AM
21	Q Approximately how many times? 11:03:52AM	21 Q Did you ever tell him what they were 11:05:24AM
22	A A couple times, maybe. 11:03:54AM	22 alleging?
23	Q More than five? 11:03:56AM	23 A I don't recall. 11:05:27AM
24	A I wouldn't say I'd say no. 11:03:57AM	24 Q Did you ever show him a copy of the 11:05:27AM
25	Q So somewhere between two and five? 11:04:00AM	25 <b>complaint?</b>
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	Page /4	l Page 76 L
-	Page 74	
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19 (Pages 73 to 76)

Page 77 Page 79 1 GEORGE HESSE **GEORGE HESSE** 1 2 2 A It's really the hours involved in the 11:06:32AM MR. NOVIKOFF: Objection. 11:08:23AM 3 3 training. At that time, I don't know. 11:08:24AM 4 There's more hours with the full-time? 11:06:35AM 4 O Was there a sergeant at the time you 11:08:27AM Q 5 11:06:37AM 5 Correct interviewed? Α 6 O So it's more training? 11:06:38AM 6 Α That I was aware of at that time? 11:08:30AM 7 7 Α Yes. 11:06:39AM O Yes. 11:08:33AM 8 11:06:46AM 8 When you were sworn in in December Α No. 11:08:33AM 9 9 '92, I assume you had already applied for the Q So you interviewed with Golopi and 11:08:38AM 10 job prior to then? 10 Paradiso. Did you interview with anyone else? 11 Yes. 11:06:53AM 11 11:08:43AM Α 11:06:53AM 12 0 When did you apply for the job? 12 Q And who offered you the job? 11:08:43AM 13 13 I believe it was the end of the summer 11:06:55AM I believe I received a phone call from 11:08:46AM 14 of '92. My interview took place someplace in 14 Bob Golopi that said they were going to accept 15 the winter of '92 or the fall. 15 my application and sponsor me to go to the 16 How did you learn about the job? 11:07:07AM 16 police academy. 17 Through a friend -- a friend of my 17 Q Did you have any jobs prior to that, 11:08:57AM 11:07:10AM 18 father's who was a Suffolk County Marine Bureau 18 outside of law enforcement? 19 19 police officer. 11:09:02AM Yes Q And who was that? Who was the friend 11:07:18AM 20 20 Q What did you do just prior to starting 11:09:02AM 21 of your father? 21 the academy? 22 22 A His name was Freddy DeSantis. 11:07:21AM A I worked in a delicatessen. 11:09:08AM 23 23 Q Did you know anyone working in the 11:07:28AM Q Did you apply for a certain position 11:09:11AM Ocean Beach Police Department prior to 24 24 at Ocean Beach? 25 25 submitting the application? I believe it was just seasonal police 11:09:23AM Page 78 Page 80 1 **GEORGE HESSE** 1 **GEORGE HESSE** 2 2 officer. No. 11:07:34AM Α 3 3 Who did you interview with? 11:07:36AM Q And were you hired for a seasonal Q 11:09:30AM 4 A Bob Golopi. 11:07:39AM 4 police officer position? 5 5 Yes. 11:09:33AM Anyone else? 11:07:42AM A 6 A I believe I met the chief, Ed 11:07:43AM 6 What's your understanding of what a 11:09:35AM 7 Paradiso, for a little -- a little while, but --7 seasonal police officer is? 8 Q So at the time, Bop Golopi was a 8 The classification of a seasonal 11:09:39AM 11:07:50AM 9 9 police officer is a police officer that works sergeant and Paradiso was the chief? 10 A No, I think Bob was just a police 11:07:57AM 10 between the time frame of two weeks prior to 11 officer at the time. 11 Memorial Day to two weeks after Labor Day. 12 What do you mean by just a police 12 Q And that's the job that you had when 11:09:50AM Q 11:07:59AM 13 officer? 13 you were first were hired there? 14 14 A I don't think he was a sergeant at the 11:08:01AM That's what I was told, yes. 11:09:54AM 15 time when I first met him. 15 So you graduated the academy. Did you 11:09:55AM 16 Q At some point, he was elevated to 16 have to take any other tests before you were 11:08:06AM 17 17 able to be certified as a police officer? sergeant? 18 11:08:09AM 18 Just what the academy provided. 11:10:03AM A Yes. 19 Q Did he have to go through any tests to 11:08:09AM 19 Q And what were the tests in the 11:10:04AM 20 20 be elevated to sergeant? academy? 21 21 MR. NOVIKOFF: Objection. A At the time, I believe there was -- 11:10:08AM 11:08:14AM 22 A I don't know what he did at that time. 11:08:14AM 22 there's a battery of tests. You have a laws of 23 Do you know whether it was a 23 arrest test. You had a search and seizure test. 11:08:18AM 24 24 requirement to go through any tests at that time You have a deadly physical force test that you 25 to be elevated to sergeant? 25 have to pass. Then I believe at the time we

20 (Pages 77 to 80)

	13	122	
	Page 81		Page 83
1	GEORGE HESSE	1	GEORGE HESSE
2	only had three comp tests that included just	2	BY MR. GOODSTADT: 11:12:03AM
3	everything to do with anything from penal law to	3	Q How about the medical test, do you 11:12:03AM
4	criminal procedure law, physical some	4	know the reason why you have to take a medical
5	physical training. Just had to pass a battery	5	test?
6	of tests.	6	MR. NOVIKOFF: Objection. 11:12:07AM
7	Q Did you have to pass any tests 11:10:40AM	7	A I guess they want to know if you're 11:12:07AM
8	administered by Suffolk County Civil Service?	8	physically able to handle the physical training
9	A Prior to going to the academy, yes. 11:10:46AM	9	part of being a police officer. That I can
10	Q What did you have to pass prior to 11:10:49AM	10	understand.
11	going to the academy?	11	Q How about the psychological, do you 11:12:14AM
12	A Physical agility, a medical and a 11:10:52AM	12	know why you need to take a psychological test
13	psychological.	13	prior to going to the academy?
14	Q Did you have to take a polygraph? 11:10:59AM	14	MR. NOVIKOFF: Objection. 11:12:21AM
15	A At that time, no, it wasn't a 11:11:01AM	15	MR. CONNOLLY: Objection. 11:12:21AM
16	requirement.	16	A Well, as a police officer, I'm sure 11:12:22AM
17	Q So which of those three tests did you 11:11:03AM	17	you're going to see a lot of bad things. They
18	take first, the agility, medical or	18	want to make sure you can handle it, I guess.
19	psychological?	19	Q At the time, you didn't need a 11:12:29AM
20	A Oh, I don't recall. 11:11:09AM	20	polygraph; is that correct?
21	Q Did you pass the psychological? 11:11:11AM	21	MR. NOVIKOFF: Objection. 11:12:29AM
22	A Yes. 11:11:13AM	22	A That's correct. 11:12:30AM
23	Q First time you took it? 11:11:14AM	23	Q Did there come a point in time where a 11:12:29AM
24	A Yes. 11:11:15AM	24	polygraph was a requirement to be certified as a
25	Q Did you pass the medical? 11:11:15AM	25	police officer in Suffolk County?
	Page 82		Page 84
1	GEORGE HESSE	1	GEORGE HESSE
2	A Yes. 11:11:16AM	2	A I believe there was. 11:12:34AM
3	Q First file you took it? 11:11:17AM	3	MR. NOVIKOFF: Objection. 11:12:39AM
4	A Yes. 11:11:18AM	4	MR. CALLAHAN: Objection. 11:12:43AM
5	Q Did you pass the agility? 11:11:18AM	5	MR. CONNOLLY: Wait a second before 11:12:44AM
6	A Yes. 11:11:20AM	6	you answer. This way, if anyone is going to
7	Q The first time you took it? 11:11:20AM	7	object, we can get it on the record.
8	A Yes. 11:11:22AM	8	BY MR. GOODSTADT: 11:13:11AM
9	Q What's your understanding of the 11:11:33AM	9	Q At the time that you went to the 11:13:11AM
10	purpose of having to take an agility test?	10	academy, there was no requirement from Suffolk
11	MR. NOVIKOFF: Objection. 11:11:40AM	11	County Civil Service to take a polygraph,
12	A Purpose? I don't understand the 11:11:41AM	12	correct?
13	question.	13	MR. NOVIKOFF: Objection. 11:13:19AM
14	Q Who requires you to take a physical 11:11:45AM	14	A Correct. 11:13:20AM
15	agility test prior to going to the academy?	15	Q Did there come a point in time where 11:13:22AM
16	MR. NOVIKOFF: Objection. 11:11:50AM	16	that requirement was put into place by Suffolk
17	A I believe it's Civil Service. 11:11:50AM	17	County Civil Service?
18	Q Do you understand why you have to take 11:11:52AM	18	MR. NOVIKOFF: Objection. 11:13:28AM
19	an agility test prior to going to the academy?	19	A I believe so. 11:13:29AM
20	MR. CONNOLLY: Objection. 11:11:58AM	20	Q Do you know when that happened? 11:13:30AM
21	MR. NOVIKOFF: Objection. 11:11:58AM	21	A No. 11:13:33AM
22	A No, I don't. 11:11:59AM	22	Q Do you know approximately what year it 11:13:33AM
23	Q Do you know the reason for it? 11:12:00AM	23	was?
24	A No. 11:12:01AM	24	A No. 11:13:35AM
25	MR. NOVIKOFF: Objection. 11:12:03AM	25	Q Do you know the reason why a potential 11:13:36AM

21 (Pages 81 to 84)

	Page 85	123	Page 87
	rage os		
1	GEORGE HESSE	1	GEORGE HESSE
2	police officer needs to take a polygraph to be	2	A Yes. 11:15:43AM
3	certified in Suffolk County?	3	Q Did you pay taxes on that money? 11:15:44AM
4	MR. CONNOLLY: Objection. 11:13:47AM	4	A No, I believe it was cash. 11:15:46AM
5	MR. NOVIKOFF: Objection. 11:13:48AM	5	Q I just want to just so I'm clear. 11:15:58AM
6	A I don't know why. 11:13:49AM	6	I know that it was cash, but did you declare it
7	Q Do you know whether those tests are 11:13:50AM	7	on your tax returns that you made that cash?
8	required by Civil Service law?	8	A No. 11:16:07AM
9	MR. NOVIKOFF: Objection. 11:13:54AM	9	Q How come? 11:16:07AM
10	A No. I don't know if they're required. 11:13:56AM	10	MR. CONNOLLY: Objection. 11:16:08AM
11	Q You don't know one way or the other? 11:13:57AM	11	You can answer. 11:16:10AM
12	A No. 11:14:00AM	12	A I don't recall why I didn't, but I 11:16:14AM
13	Q How about a background test, did you 11:14:01AM	13	didn't.
14	have to go through a background check?	14	Q Have you ever been disciplined in your 11:16:22AM
15	A Yes. 11:14:05AM	15	employment at Ocean Beach?
16	Q Is that a Civil Service requirement? 11:14:06AM	16	MR. NOVIKOFF: Objection. 11:16:26AM
17	MR. NOVIKOFF: Objection. 11:14:08AM	17	A No. 11:16:27AM
18	A You know, I don't know. 11:14:10AM	18	Q Ever been suspended? 11:16:30AM
19	Q How about now? Do you know if a 11:14:12AM	19	A No. 11:16:32AM
20	background check is required to be certified as	20	Q Do you know who F. Ethan Repp is? 11:16:33AM
21	a police officer in Suffolk County?	21	A Yes. 11:16:39AM
22	MR. NOVIKOFF: Objection. 11:14:21AM	22	Q Who is that? 11:16:39AM
23	MR. CALLAHAN: Objection. 11:14:22AM	23	A He was, I think, a superintendent of 11:16:40AM
24	A I don't know. 11:14:23AM	24	the village for a short period.
25	Q Have you ever worked any other jobs 11:14:28AM	25	Q Did you ever have any interaction with 11:17:13AM
	Page 86		Page 88
1		1	Page 88
1	GEORGE HESSE	1 2	Page 88  GEORGE HESSE
2	GEORGE HESSE during your employment at Ocean Beach?	2	Page 88  GEORGE HESSE Mr. Repp?
2	GEORGE HESSE during your employment at Ocean Beach? A Yes. 11:14:31AM	2	GEORGE HESSE Mr. Repp? A Yes. 11:17:15AM
2 3 4	GEORGE HESSE during your employment at Ocean Beach? A Yes. 11:14:31AM Q What other jobs have you worked while 11:14:32AM	2 3 4	Page 88  GEORGE HESSE  Mr. Repp?  A Yes. 11:17:15AM  Q And what interaction did you have with 11:17:16AM
2 3 4 5	GEORGE HESSE during your employment at Ocean Beach? A Yes. 11:14:31AM Q What other jobs have you worked while 11:14:32AM employed as an Ocean Beach police officer?	2 3 4 5	GEORGE HESSE  Mr. Repp?  A Yes. 11:17:15AM  Q And what interaction did you have with 11:17:16AM  Mr. Repp?
2 3 4 5 6	GEORGE HESSE  during your employment at Ocean Beach?  A Yes. 11:14:31AM  Q What other jobs have you worked while 11:14:32AM employed as an Ocean Beach police officer?  A I worked part-time for the Town of 11:14:36AM	2 3 4 5 6	Page 88  GEORGE HESSE  Mr. Repp?  A Yes. 11:17:15AM  Q And what interaction did you have with 11:17:16AM  Mr. Repp?  A He was in charge of the village. 11:17:19AM
2 3 4 5 6 7	GEORGE HESSE during your employment at Ocean Beach?  A Yes. 11:14:31AM  Q What other jobs have you worked while 11:14:32AM employed as an Ocean Beach police officer?  A I worked part-time for the Town of 11:14:36AM Islip with their harbor police unit.	2 3 4 5 6 7	GEORGE HESSE  Mr. Repp?  A Yes. 11:17:15AM  Q And what interaction did you have with 11:17:16AM  Mr. Repp?  A He was in charge of the village. 11:17:19AM  Q Do you recall Mr. Repp asked you for a 11:17:21AM
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2 3 4 5 6 7 8	GEORGE HESSE  during your employment at Ocean Beach?  A Yes. 11:14:31AM  Q What other jobs have you worked while 11:14:32AM  employed as an Ocean Beach police officer?  A I worked part-time for the Town of 11:14:36AM  Islip with their harbor police unit.  Q When did you do that? 11:14:44AM  A I may have started there in '94 or '95 11:14:49AM	2 3 4 5 6 7 8	GEORGE HESSE  Mr. Repp?  A Yes. 11:17:15AM  Q And what interaction did you have with 11:17:16AM  Mr. Repp?  A He was in charge of the village. 11:17:19AM  Q Do you recall Mr. Repp asked you for a 11:17:21AM  set of keys to the barracks?  A Yes, I do now. 11:17:27AM
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22 (Pages 85 to 88)

		<u> 124 </u>	
	Page 89		Page 91
1	GEORGE HESSE	1	GEORGE HESSE
2	A Yes, he did. 11:18:03AM	2	with your employment, when you first started
3	Q So you do you consider that 11:18:04AM	3	working at Ocean Beach or just prior to it?
4	discipline?	4	A Paperwork? I believe there was some 11:20:08AM
5	A Yes. 11:18:07AM	5	kind of questionnaire I had to fill out, an
6	Q So going back to my question before, 11:18:08AM	6	application.
7	you actually have been disciplined, correct?	7	Q Are you aware of something called the 11:20:13AM
8	A Yes. 11:18:13AM	8	Ocean Beach Police Department applicant
9	Q Any other incidents of discipline 11:18:13AM	9	investigation section?
10	during your employment at Ocean Beach?	10	A Yeah, that would be me. 11:20:18AM
11	A Not that I recall. 11:18:17AM	11	Q What is that? 11:20:20AM
12	MR. NOVIKOFF: Case is over. 11:18:25AM	12	A That was just some title that I gave 11:20:21AM
13	MR. GOODSTADT: What was that? 11:18:26AM	13	myself because we had I was dealing with
14	MR. NOVIKOFF: I'm just talking to 11:18:28AM	14	Suffolk County at that point to process new
	·	15	applicants that were coming in.
15	Mike. BY MR. GOODSTADT: 11:18:31AM	l .	**
16		16	Q When did you give yourself that title? 11:20:31AM
17	Q You were hired for a seasonal police 11:18:33AM	17	A I don't know the date. 11:20:34AM
18	officer position, correct?	18	Q Do you recall what year it was? 11:20:35AM
19	MR. NOVIKOFF: Objection. 11:18:38AM	19	A Maybe 2005. 11:20:40AM
20	A Originally, yes. 11:18:39AM	20	Q Was there an applicant investigation 11:20:44AM
21	Q So at any point in time, did that 11:18:40AM	21	section in Ocean Beach prior to you giving
22	title change?	22	yourself that title?
23	A Yes. 11:18:45AM	23	A No. 11:20:50AM
24	Q When did that title change for the 11:18:46AM	24	Q Did you have any training for that? 11:20:50AM
25	first time?	25	A No. 11:20:53AM
		l .	
	Page 90		Page 92
1		1	
1 2	GEORGE HESSE	1 2	GEORGE HESSE
2	GEORGE HESSE  A I believe it was November of '95. 11:18:48AM	2	GEORGE HESSE  Q Is that was that a Civil Service 11:20:55AM
2	GEORGE HESSE  A I believe it was November of '95. 11:18:48AM  Q And what did your seasonal title 11:18:53AM	2	GEORGE HESSE  Q Is that was that a Civil Service 11:20:55AM title?
2 3 4	GEORGE HESSE  A I believe it was November of '95. 11:18:48AM  Q And what did your seasonal title 11:18:53AM change to in November of '95?	2 3 4	GEORGE HESSE  Q Is that was that a Civil Service 11:20:55AM title?  A No. 11:20:58AM
2 3 4 5	GEORGE HESSE  A I believe it was November of '95. 11:18:48AM  Q And what did your seasonal title 11:18:53AM  change to in November of '95?  A Full-time police officer. 11:18:56AM	2 3 4 5	GEORGE HESSE  Q Is that was that a Civil Service 11:20:55AM title?  A No. 11:20:58AM Q Did you ever alert anybody that you 11:20:59AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A I believe it was November of '95. 11:18:48AM  Q And what did your seasonal title 11:18:53AM  change to in November of '95?  A Full-time police officer. 11:18:56AM  Q So how many seasons did you work as a 11:19:02AM  seasonal police officer?  A Two. 11:19:07AM  Q Did you work the off season during 11:19:07AM  those two years?  A Yes. 11:19:10AM  Q So were you a part-time police officer 11:19:11AM  at any point between the seasonal position when you were first hired and the change to full-time in '95?  MR. NOVIKOFF: Objection to form. 11:19:19AM  A Yes. 11:19:20AM  Q What did it change to, part-time? 11:19:21AM  A At that time, I didn't know. I just 11:19:25AM continued service.  Q Was there a lieutenant for the 11:19:37AM  department at all during your employment there?  A No. 11:19:43AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Q Is that was that a Civil Service 11:20:55AM  title?  A No. 11:20:58AM  Q Did you ever alert anybody that you 11:20:59AM  gave yourself that title?  A No. 11:21:03AM  Q Did you did the Board of Trustees 11:21:06AM in Ocean Beach pass any resolution awarding that title?  A No. 11:21:12AM  MR. NOVIKOFF: Objection. 11:21:13AM  BY MR. GOODSTADT: 11:21:13AM  Q Why did you give yourself that title? 11:21:17AM  A Because I was the new applicant 11:21:19AM investigation unit for the Ocean Beach Police Department.  Q Well, who did the new applicant 11:21:24AM investigations prior to you awarding yourself that title?  A Suffolk County PD. 11:21:30AM  Q Did you alert the Suffolk County PD 11:21:32AM that you now awarded yourself that title?

23 (Pages 89 to 92)

Page 93 Page 95 **GEORGE HESSE** 1 GEORGE HESSE 1 2 2 Α No. 11:23:50AM Ocean Beach Police Department applicant 3 3 investigation section? **Including full-time**, part-time, 11:23:54AM 4 4 seasonal guys who had already been employed? A Just new police officers. 11:21:47AM 5 What did you do to investigate? 5 There was only one that had to redo 11:24:00AM 11:21:49AM 6 6 I had them fill out a questionnaire. 11:21:52AM his application. 7 7 Who was that? It required a ton of documentation. I reviewed O 11:24:04AM 8 Ty Bacon. 11:24:05AM 8 the documents. I sent out letters to previous Α 9 Why did he have to redo the 9 employers that they had for responses to see 0 11:24:05AM 10 application? 10 what their work -- you know, if they were in 11 11 good standing with their previous jobs. I had Because I believe Civil Service had 11:24:08AM 12 to send out a mental health release form to the 12 made a mistake with his certification to be a 13 13 police officer in Suffolk County, and they New York State Department of Health Services to required that he had to take the battery of 14 see if they had any previous mental health 14 15 15 issues that would stop them from becoming a tests that are required before employment. 16 police officer. I'm sure there's a lot of other 16 Q Did Gary Bosetti have to fill it out? 11:24:27AM 17 assorted things, but I don't have an application 17 Α 11:24:29AM 18 18 in front of me to go through. Q How come? 11:24:30AM 19 Technically, he was a new hire, and he 11:24:31AM 19 Q Where did you get the questionnaire 11:22:38AM Α 20 that you distributed to new applicants? 20 had to take the polygraph. The polygraph is 21 A Some of it was from Suffolk County PD 11:22:43AM 21 based on the application. 22 22 and their applicant investigation unit. They Q What do you mean by technically he was 11:24:40AM 23 sent me a copy. I went online. I found other 23 a new hire? 24 24 applications from other police departments that A Because he was hired by the village, 11:24:42AM 25 and apparently there was some sort of confusion 25 I thought would help out in having people fill Page 94 Page 96 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 out these applications. with his status to become a police officer 3 Q Did anyone from the county approve the 11:22:59AM 3 within Suffolk County; and in order to get 4 packet that you put together? 4 through Suffolk County Civil Service's battery 5 5 A No. 11:23:03AM of tests, he had to fill out this application. 6 Q Did you create the questionnaire 6 Do you know when that was? 11:25:01AM 11:23:03AM 7 packet? 7 Α It might have been 2005. 11:25:02AM 8 11:23:06AM 8 0 But he had worked there prior to 2005, 11:25:03AM Α 9 9 Was it only distributed to new right? Q 11:23:08AM 10 applicants? 10 Α Yes. 11:25:06AM 11 Α 11:23:12AM 11 Q So he had worked there prior to 11:25:06AM 12 Did you do a criminal background 11:23:20AM 12 passing the battery of tests? 0 13 check? 13 Α Yes. 11:25:10AM 14 14 Q Anyone else fit that same category of 11:25:10AM A Yes. 11:23:22AM 15 Anything else other than what you 11:23:24AM 15 people who had worked there prior but still 16 testified to and now the criminal background 16 needed to fill out your applicant investigation 17 check that you did to investigate new 17 section report? 18 applicants? 18 Α Yes. 11:25:19AM 19 11:23:32AM 19 0 Who else what was that? 11:25:19AM 20 20 Did people who previously worked at 11:23:40AM I believe there was Rich Bosetti, 11:25:21AM 21 Ocean Beach have to go through the applicant 21 Tommy Shaw. I already mentioned Ty Bacon. Who 22 investigation section? 22 else at that time? There was someone that --23 23 A Current -- officers that were 11:23:47AM oh, John Dyer. What was his name? There was a 24 24 gentleman that retired from New York City PD as currently employed? 25 0 Yes. 11:23:50AM 25 a lieutenant. I can't think of his name. Maybe

24 (Pages 93 to 96)

Case 2:07-cv-01215-SJF-ETB	Document 170	)-9 126	Filed	I 01/15/10	Page 25	of 236 Pag	eID #:	
	Page 97						Page	99
GEORGE HESSE there was Pat Cherry also, but he chose not to	.co	1 2	A	GEORGE Yeah, to a poin		11:27:33AM		

1 2 3 resume as a police officer with Ocean Beach. 3 O Do you think it's important to the 4 4 Q Pat Cherry, Sr.? 11:26:09AM public safety that the police officers are aware 5 Correct. 11:26:11AM 5 of the radio codes? Α 6 O There was one other you said? 11:26:11AM 6 MR. NOVIKOFF: Objection to the form. 11:27:40AM 7 7 Yeah. I can't think of his name. 11:26:13AM I don't know what you mean by public safety. Q Is there anything that would help 8 8 11:26:14AM Are you using it in the context of a 740 9 9 refresh your recollection? claim or just a general definition? 10 10 A I'm sure you have a list of every 11:26:18AM MR. GOODSTADT: Both. 11 11 police officer that worked in Ocean Beach. If MR. NOVIKOFF: Objection to form. 12 you give me the list, I'm sure I can find it. 12 Repeat the question. 11:27:51AM 13 13 MR. NOVIKOFF: Calls for a legal Q We'll give you the list in a bit. 11:26:26AM 14 Excuse me. 11:26:28AM 14 conclusion as well. 15 Does a police officer have to graduate 11:26:34AM 15 BY MR. GOODSTADT: 16 the academy prior to being certified to be a 16 Q Do you think it's important to the 11:27:55AM 17 police officer? 17 public's safety that police officers in Ocean 18 MR. NOVIKOFF: Objection. 11:26:40AM 18 Beach know the radio codes? 19 MR. NOVIKOFF: Note my objection. 19 A To my recollection, there are some 11:26:43AM 20 technicalities with that. 20 I think they should be familiarized 11:28:02AM 21 What are the technicalities? 11:26:47AM 21 with them, yes.

22

22 I believe you could be hired as a 11:26:48AM Q Do you think it's important to public 11:28:05AM 23 23 police officer, but within that calendar year at safety? 24 24 some point you have to graduate a police MR. NOVIKOFF: Note my objection. 11:28:06AM 25 25 academy. It's not detrimental, no. 11:28:07AM

Page 98 Page 100

2

3

24

25

1 GEORGE HESSE 2 Okay. Any other technicalities? 11:26:57AM 3 Not that I'm aware of. 11:26:59AM Α 4 Q Does it have to be the Suffolk County 11:27:00AM 5 police academy?

6

7

8

9

10

11

11:27:03AM Q So it can be New York City police 11:27:03AM

academy? 11:27:06AM Correct.

It could be Nassau County police 11:27:07AM Q academy?

12 Correct. 11:27:11AM 13 Are there different radio codes in New 11:27:11AM York City than Suffolk County? 14

15 MR. CONNOLLY: What time frame? 11:27:17AM 16 MR. GOODSTADT: Any point in time. 11:27:18AM

17 11:27:19AM Α 18

Q So why don't we focus on 2002 to 2006. 11:27:19AM 19 Were there different radio codes?

20 11:27:23AM A I believe so.

21 0 Do the officers in Ocean Beach need to 11:27:25AM 22 know the Suffolk County radio codes?

23 They should be aware of them, yes. 11:27:29AM 24 It's important that they're aware of 11:27:31AM Q

25 them? 1 GEORGE HESSE

Q It's not detrimental to public safety 11:28:09AM for police officers --

4 11:28:13AM

5 You don't think it's detrimental to 11:28:13AM 6 the public's safety if police officers don't

7 know the radio codes that are being addressed to 8 them?

9 MR. NOVIKOFF: Objection to the form 11:28:22AM 10 of the question.

11 BY MR. GOODSTADT: 11:28:23AM 12 Is that your testimony? 11:28:24AM

13 There's more to it, but yeah. 11:28:25AM

14 What do you mean there's more to it? 11:28:27AM

15 Because since 2001, FEMA has 11:28:29AM 16 established the plain-talk doctrine since 2001.

17 You say the 10 code or any code, and then you

18 say what the actual call is.

19 And that's in place in Ocean Beach? 11:28:46AM

20 A 11:28:48AM That's in place, correct. 21 What's the sense of having a radio 11:28:55AM

22 code if you're doing the public talk now? 23

MR. NOVIKOFF: Objection to the form 11:28:59AM of the question. MR. CONNOLLY: Objection. You can 11:29:02AM

(877) 702-9580

25 (Pages 97 to 100)

11:27:35AM

11:27:49AM

11:27:53AM

11:27:55AM

11:27:50AM

11:28:01AM

Page 101 Page 103 1 GEORGE HESSE GEORGE HESSE 1 2 2 answer. Α Everybody knows what a 10/1 is on this 11:30:34AM 3 A Repeat that. 11:29:05AM 3 job. 4 4 Q Yeah. Why would you need a radio code 11:29:06AM Q Isn't it true that Arnold Hardman 11:30:38AM 5 if you have a public-talk doctrine? 5 failed to respond to a 10/1 by Nofi? 6 MR. NOVIKOFF: Objection to the form. 11:29:13AM 6 MR. NOVIKOFF: Objection. Leading. 11:30:46AM 7 7 To tell you the truth, at this point I 11:29:14AM Foundation. Form. No. 11:30:50AM 8 don't know why. 8 Α 9 9 Q At any point in time, did you know 11:29:17AM 0 It's not true? 11:30:51AM 10 why? 10 I don't believe so. 11:30:53AM 11 11 MR. NOVIKOFF: Objection to form. Nofi never complained to you that 11:29:20AM 11:30:57AM 12 A I have an opinion. 11:29:21AM 12 Hardman didn't know what the code was, he 13 13 Q What's your opinion? 11:29:22AM thought it was a threat to him? MR. NOVIKOFF: Objection. Leading. 11:31:05AM 14 My opinion was it's to shorten 11:29:23AM 14 15 1.5 communications on the radio. Form. 16 Q I'm saying if you have -- why would 11:29:26AM 16 Α 11:31:06AM 17 you still need radio codes since 2001 if you're 17 Since 2001 in Ocean Beach, do all 0 11:31:12AM 18 required to also say public talk? 18 radio codes that have been sent out over the MR. NOVIKOFF: Objection as to form. 11:29:37AM 19 19 radio include the code and then the plain talk? 20 Foundation. 20 MR. NOVIKOFF: Objection. Form. 11:31:21AM 21 MR. CONNOLLY: Objection. 11:29:39AM 21 Foundation. 22 11:29:40AM 22 A I don't know. Repeat the question, please. 11:31:23AM 23 MR. GOODSTADT: And when I say "public 11:29:42AM 23 Yeah. Since 2001, when FEMA put in 11:31:25AM 24 24 talk," I mean plain talk. I don't know if their plain talk doctrine, do all radio codes 25 25 that's the basis of the objection. That's that are sent to the Ocean Beach police officers Page 102 Page 104 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 what I mean. over the radio include both the code and the 3 BY MR. GOODSTADT: 11:29:49AM 3 plain talk? 4 Q I'm assuming you know understood what 11:29:49AM 4 A Yes. 11:31:37AM 5 5 MR. NOVIKOFF: Objection. Is the I meant, correct? 11:31:38AM 6 MR. CONNOLLY: Why don't we repeat the 11:29:52AM 6 question is that a requirement or does he 7 question using plain talk. 7 know if every single one that has been 8 I don't recall. 11:29:56AM 8 transmitted even outside his presence had 9 9 Since 2001, there's a plain talk that? 11:29:57AM 10 doctrine, correct? 10 BY MR. GOODSTADT: 11:31:46AM 11 Α Yes. 11:30:01AM 11 Well, have you ever heard one that was 11:31:47AM 12 So when a radio code is sent over the 11:30:01AM 12 transmitted without the plain talk? 13 radio, they say, you know, 10/1 officer in need 13 Α No. 11:31:51AM 14 of -- you know, officer's life in danger. Is 14 0 Just going back. You don't recall 11:31:55AM 15 that what they say, something like that? 15 Nofi complaining to you that Hardman didn't 16 MR. NOVIKOFF: Objection. 11:30:14AM 16 respond to his 10/1? 17 BY MR. GOODSTADT: 11:30:15AM 17 MR. CONNOLLY: Objection. 11:32:02AM 18 Q Is that what you mean by public talk? 11:30:16AM 18 11:32:02AM Α 19 MR. NOVIKOFF: Objection. 11:30:19AM 19 MR. NOVIKOFF: Just note my objection 11:32:08AM 20 20 A I think everybody knows what a 10/1 11:30:19AM to that last question. is. I don't care where you come from. But you 21 21 BY MR. GOODSTADT: 11:32:22AM 22 could tell from somebody's tone of voice on the 22 Q We discussed before that there was a 11:32:23AM 23 23 radio that they need assistance. battery of tests that you have to pass before 24 24 Q What do you mean by everyone knows 11:30:31AM going to the police academy to be certified as a 25 what a 10/1 is? 25 police officer.

26 (Pages 101 to 104)

	13	128	
	Page 105		Page 107
1	GEORGE HESSE	1	GEORGE HESSE
2	Who in Ocean Beach since 2000 has been 11:32:30AM	2	income tax returns?
3	charged with ensuring that the officers who are	3	A No. 11:50:29AM
4	hired have actually passed those tests?	4	Q How come? 11:50:30AM
5	MR. NOVIKOFF: Objection. Foundation. 11:32:39AM	5	A Just didn't. 11:50:32AM
6	Form.	6	MR. NOVIKOFF: Objection. 11:50:35AM
7	MR. CONNOLLY: Time frame. 11:32:43AM	7	BY MR. GOODSTADT: 11:50:36AM
8	A Since 2000? 11:32:45AM	8	Q So other than for the Sky Cable job, 11:50:39AM
9	Q Since 2000, that's the time frame. 11:32:45AM	9	the carpenter job and the harbor job, did you
10	A Since 2000 till the present? 11:32:48AM	10	have any other jobs while you were employed by
11	Q Yes. 11:32:50AM	11	Ocean Beach?
12	A From 2000 through 2006 would be Ed 11:32:51AM	12	A In the beginning, I worked for the 11:50:48AM
13	Paradiso. From 2006 till present would be me.	13	deli, I guess from '93 to from '93 to
14	MR. GOODSTADT: Okay, we can 11:32:59AM	14	somewhere in '95 maybe.
15	THE VIDEOGRAPHER: That the is end of 11:33:01AM	15	Q That same deli you had worked at 11:50:59AM
16	Tape Number 1.	16	beforehand?
17	The time is now 11:33 a.m. We are now 11:33:03AM	17	A I worked at a couple of different 11:51:02AM
18	off the record.	18	delis, yes.
19	(Whereupon, a discussion was held off 11:33:07AM	19	Q Is Ian Levine a resident of Ocean 11:51:10AM
20	the record.)	20	Beach?
21	THE VIDEOGRAPHER: This is the start 11:49:25AM	21	MR. NOVIKOFF: Objection. Form. 11:51:13AM
22	of Tape Number 2.	22	Foundation.
23	The time is now 11:49 a.m. We are now 11:49:27AM	23	A Yes. 11:51:15AM
24	back on the record.	24	Q Where is his home or property? 11:51:16AM
25		25	A I'm trying to think of the exact 11:51:23AM
	Page 106		Page 108
1		1	
1 2	GEORGE HESSE BY MR. GOODSTADT: 11:49:31AM	1	GEORGE HESSE address. He owns a home with his wife on Ocean
3		2 3	
4	Q Sir, before we went off the record, 11:49:31AM I'd asked you a question about jobs that you had	4	Breeze. I don't know the exact address.  Q Have you ever been to his home? 11:51:33AM
5	while you were employed by Ocean Beach, and you	5	Q Have you ever been to his home? 11:51:33AM A Yes. 11:51:35AM
6	told me about a harbor job and you told me about	6	
7	a job with a carpenter, correct?	0 7	Q Does he live there full time in Ocean 11:51:36AM Beach?
8		8	
9		9	
	Q Did you also work for Ian Levine at 11:49:47AM		Q How many times have you been to his 11:51:40AM
10	Sky Cable? A Yes. 11:49:51AM	10	house? A Numerous times. 11:51:45AM
12	Q And when did you work for Ian Levine 11:49:51AM	12	Q Ever been there on non-police 11:51:47AM
13	at Sky Cable?	13	business?
14	A I believe I worked for him from I'm 11:50:00AM	14	A Yes. 11:51:50AM
15	really going to be guessing, but maybe '97	15	Q Social visits? 11:51:51AM
16	through a little bit of 2000. I'm not real sure	16	A Once or twice, yes. 11:51:52AM
17	exactly what the dates are.	17	Q Are you friends with Ian Levine? 11:51:54AM
18	Q And did he pay you for that work? 11:50:18AM	18	A We're acquaintances. 11:51:58AM
19	A Yes. 11:50:19AM	19	Q Now, you testified before about your 11:52:01AM
20	Q Did you pay taxes on the pay that you 11:50:20AM	20	harbor job. Who did you report to in your
21	received from Mr. Levine?	21	harbor job?
22	A No. 11:50:24AM	22	A Al Loeffler. He was the chief. 11:52:06AM
	O So he paid you cash as well? 11:50:24AM	1 4.5	O ne was the chief. What was the title 11:52:09AW
23	Q So he paid you cash as well? 11:50:24AM A Yes. 11:50:26AM	23	-
	Q So he paid you cash as well? 11:50:24AM A Yes. 11:50:26AM Q And you didn't declare that on your 11:50:26AM	24 25	there?  MR. NOVIKOFF: His title or 11:52:12AM

27 (Pages 105 to 108)

	<u> </u>	129	
	Page 109		Page 111
1	GEORGE HESSE	1	GEORGE HESSE
2	Mr. Loeffler's?	2	police force?
3	BY MR. GOODSTADT: 11:52:15AM	3	A He may have stayed on for a short 11:54:28AM
			· · · · · · · · · · · · · · · · · · ·
4	Q What was Mr. Loeffler's title there? 11:52:15AM	4	period after he left the town job. I really
5	A He was chief, but his exact Civil 11:52:18AM	5	don't know.
6	Service title, I don't know.	6	Q Who is Bob Scroi? Is that the name 11:54:39AM
7	Q But you called him chief? 11:52:21AM	7	you used?
8	A I called him chief on occasion, yes. 11:52:23AM	8	A Uh-huh. 11:54:44AM
9	Q You reported to him at that job? 11:52:29AM	9	Q Who is he? 11:54:44AM
10	A Yes. 11:52:32AM	10	A He's the chief of the Islip harbor 11:54:44AM
11	Q Did he work as a police officer on 11:52:32AM	11	police now.
12	Ocean Beach at any time?	12	Q And he told you that you were 11:54:47AM
13	A Yes. 11:52:36AM	13	suspended when you got indicted?
14	Q When did he work as an officer on 11:52:37AM	14	A Yes. 11:54:51AM
15	Ocean Beach?	15	Q Are you still currently suspended? 11:54:51AM
16	A From 1973 till maybe 2002 or '3 or '4. 11:52:40AM	16	A Yes. 11:54:53AM
17	I don't know.	17	Q Have you applied to get the job back 11:54:54AM
18	Q Did he report to you in his job as a 11:52:54AM	18	there at the harbor?
19	police officer in Ocean Beach?	19	A We've spoken about it, yes. 11:54:58AM
20	A At some point, yes. 11:52:59AM	20	Q You spoke to who about it? 11:55:01AM
21	Q At the same time you had the harbor 11:53:01AM	21	A Bob Scroi. 11:55:03AM
22	job and you were reporting to him, was he also	22	Q What was the substance of the 11:55:04AM
23	reporting to you in the beach job?	23	conversation?
24	A There was a time, yes. 11:53:09AM	24	A He is he said he was looking into 11:55:06AM
25	Q Is he related to Mayor Joe Loeffler at 11:53:10AM	25	it. I believe public safety just got a new
	Page 110		Page 112
1		1	
1 2	GEORGE HESSE	1 2	GEORGE HESSE
2	GEORGE HESSE all?	2	GEORGE HESSE commissioner; and I met the commissioner, and we
2	GEORGE HESSE  all?  A Yes. 11:53:14AM	2	GEORGE HESSE commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing
2 3 4	GEORGE HESSE  all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM	2 3 4	GEORGE HESSE commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back
2 3 4 5	GEORGE HESSE  all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM	2 3 4 5	GEORGE HESSE commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.
2 3 4	GEORGE HESSE  all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM	2 3 4 5 6	GEORGE HESSE commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM
2 3 4 5 6 7	GEORGE HESSE  all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?	2 3 4 5 6 7	GEORGE HESSE commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?
2 3 4 5 6 7 8	GEORGE HESSE  all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?  A I believe I started somewhere around 11:53:28AM	2 3 4 5 6 7 8	GEORGE HESSE  commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?  MR. NOVIKOFF: Objection. 11:55:28AM
2 3 4 5 6 7 8 9	all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?  A I believe I started somewhere around 11:53:28AM the end of '94, maybe somewhere in '95. I	2 3 4 5 6 7 8	GEORGE HESSE  commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?  MR. NOVIKOFF: Objection. 11:55:28AM A Not that I'm aware of. 11:55:29AM
2 3 4 5 6 7 8 9	all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?  A I believe I started somewhere around 11:53:28AM the end of '94, maybe somewhere in '95. I worked maybe two, three years, at the most.	2 3 4 5 6 7 8 9	GEORGE HESSE  commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?  MR. NOVIKOFF: Objection. 11:55:28AM A Not that I'm aware of. 11:55:29AM Q Did you fill out any paperwork to get 11:55:30AM
2 3 4 5 6 7 8 9 10	all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?  A I believe I started somewhere around 11:53:28AM the end of '94, maybe somewhere in '95. I worked maybe two, three years, at the most. Then I took a leave for some time, and then I	2 3 4 5 6 7 8 9 10	GEORGE HESSE  commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?  MR. NOVIKOFF: Objection. 11:55:28AM A Not that I'm aware of. 11:55:29AM Q Did you fill out any paperwork to get 11:55:30AM the job back?
2 3 4 5 6 7 8 9 10 11	all?  A Yes. 11:53:14AM  Q What's the relationship? 11:53:15AM  A Brothers. 11:53:17AM  Q And how long did you work the harbor 11:53:24AM  job? When did you stop working there?  A I believe I started somewhere around 11:53:28AM the end of '94, maybe somewhere in '95. I worked maybe two, three years, at the most. Then I took a leave for some time, and then I went back maybe 2002. I'm not real sure.	2 3 4 5 6 7 8 9 10 11	GEORGE HESSE  commissioner; and I met the commissioner, and we just talked about possibly coming back. Nothing solid, but we talked about possibly coming back to work.  Q Has a decision been made one way or 11:55:23AM the other?  MR. NOVIKOFF: Objection. 11:55:28AM A Not that I'm aware of. 11:55:29AM Q Did you fill out any paperwork to get 11:55:30AM the job back? A No. 11:55:33AM
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28 (Pages 109 to 112)

13130 Page 113 Page 115 1 GEORGE HESSE 1 GEORGE HESSE What do you mean by "pretty much"? 11:57:40AM 2 all jobs now. 2 Q 3 3 Q And when did it apply to all jobs? 11:56:03AM It's pretty much been that way for a 11:57:42AM 4 When did that start? 4 long time for Ocean Beach. 5 MR. NOVIKOFF: Objection to form. 11:56:07AM 5 How long is a long time? 11:57:45AM 6 A I don't know the exact date. 11:56:08AM 6 It could be from the beginning of when 11:57:49AM 7 7 Q Had it always applied to all jobs? 11:56:10AM I started working there. 8 MR. NOVIKOFF: Objection. 11:56:13AM 8 Okay. Have you ever transmitted a 10 11:57:53AM 9 A Not that I'm aware of. 9 11:56:14AM code without plain talk? 10 Q Well, I guess I'm trying to just get a 11:56:18AM 10 Yeah. Sure. 11:58:00AM 11 11 Since 2001? 11:58:01AM timeline. 0 12 It was put in sometime after 11:56:21AM 12 Α Sure 11:58:02AM 13 13 Q September 11th, correct? Were you in violation of the FEMA 11:58:05AM 14 A Correct. 11:56:25AM 14 doctrine? 15 15 Q 2001? 11:56:26AM Α I may have been. 11:58:07AM 11:56:26AM 16 Α Correct. 16 Q But you don't know one way or of the 11:58:09AM 17 Then when it was first put in, did it 11:56:27AM 17 other? 18 apply to all jobs or did it originally just 18 Α No. 11:58:11AM 19 19 apply interagency? Q And before, I think you defined what a 11:58:13AM 20 A I don't know. 11:56:36AM 20 seasonal police officer was in Suffolk County. 21 Q And when Suffolk County would relay a 11:56:39AM 21 Could you define what a part-time police officer 22 22 is in Suffolk County? code over the radio since 2001 to Ocean Beach 23 23 MR. CALLAHAN: Objection to form. 11:58:24AM radios, they gave the code and plain talk or 24 24 MR. NOVIKOFF: Objection. just the code? 11:58:26AM 25 25 MR. CONNOLLY: Objection. 11:58:26AM MR. NOVIKOFF: Objection. Form. 11:56:53AM Page 114 Page 116 1 GEORGE HESSE 1 GEORGE HESSE 2 2 Foundation. Can I answer? 11:58:29AM Α 3 11:56:59AM 3 MR. CONNOLLY: Yes. 11:58:30AM Α They do now. 4 Q When did that start? 11:57:00AM 4 A Part-time status, it could be year 11:58:33AM 5 MR. NOVIKOFF: Objection. 5 11:57:02AM round. It could be -- you know, this is not my 6 A I don't recall. 11:57:03AM 6 definition, but it's the definition, I believe, 7 Was it within the last year? 11:57:04AM 7 that Civil Service puts out. It's my 8 MR. NOVIKOFF: Objection. 11:57:06AM 8 understanding that a part-time police officer 9 9 I don't recall. 11:57:09AM does not work more than 20 hours a week. It 10 Q How about in '02, did they do it in 11:57:09AM 10 could be year round or it could be from two weeks after Labor Day to two weeks prior to 11 '02? 11 12 12 MR. NOVIKOFF: Objection. 11:57:13AM Memorial Day. 11:57:13AM 13 A I don't know. 13 Q Can a seasonal officer work after the 11:58:59AM 14 '03? 11:57:14AM 14 period two weeks after Labor Day through the 15 MR. NOVIKOFF: Objection. 11:57:15AM 15 period of two weeks before Memorial Day, meaning 16 A I don't know. 11:57:16AM 16 in the off season? '04? 17 17 11:57:16AM A No. 11:59:09AM MR. NOVIKOFF: Objection to the form 11:59:10AM 18 MR. NOVIKOFF: Objection. 11:57:18AM 18 19 A I don't know. 11:57:18AM 19 of that question. 20 20 Q When you sent a code over the radio in 11:57:19AM BY MR. GOODSTADT: 11:59:12AM 21 '02, did you do the radio code and the plain 21 Q So was Ed Carter a part-time officer 11:59:12AM 22 talk or just the radio code? 22 or a seasonal officer? 23 23 As far back as I can remember in Ocean 11:57:30AM MR. CONNOLLY: When? 11:59:16AM

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during his employment.

29 (Pages 113 to 116)

Beach, we've always put a 10 code over and

pretty much said what it was afterwards, so --

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MR. GOODSTADT: At any point in time 11:59:17AM

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 30 of 236 PageID #: Page 117 Page 119 GEORGE HESSE 1 GEORGE HESSE 1 2 2 Q Okay. So there came a point in time 12:01:09PM MR. NOVIKOFF: Objection. 11:59:21AM 3 3 A I don't know. 11:59:21AM that you testified you became a full-time 4 4 officer, correct? Well, did Ed ever work on the off 11:59:23AM O 5 5 A Yes. 12:01:18PM season --6 A Sure. 11:59:27AM 6 Was there any kind of canvass letter 12:01:19PM 7 7 or list that you had to come off of to get that -- based on the definition we had? 11:59:27AM 8 8 So he couldn't have been a seasonal 11:59:29AM position? 9 9 officer, according to your definition and Α Yes. 12:01:24PM 10 understanding, correct? So the fact that he 10 Q And you were on the Ocean Beach list; 12:01:25PM 11 worked -- the fact that he worked during the off 11 is that how it works? 12 season based on the definition that you've given 12 It's a preferred list, yes. 12:01:29PM 13 13 Q What do you mean by "preferred list"? 12:01:30PM us, he couldn't have been a seasonal officer, 14 Α It's a residents list. 14 correct? He had to have been part-time? 12:01:32PM 15 11:59:49AM 15 MR. NOVIKOFF: Objection to form. So the residents of Ocean Beach get 12:01:38PM 16 A His title is not controlled by me, so 11:59:49AM 16 preference over other people who may be 17 I don't know what his title was. 17 eligible? 18 Q Well, his title is controlled by what? 11:59:54AM 18 Α Yes. 12:01:44PM MR. NOVIKOFF: Objection to form. 19 19 11:59:57AM Q Is that one of the reasons why you use 12:01:45PM 20 Calls for a legal conclusion. 20 the Ocean Beach residence as an address? BY MR. GOODSTADT: 21 21 12:00:01PM MR. NOVIKOFF: Objection. Asked and 12:01:51PM 22 22 answered in the first 10 minutes of the Q What's your understanding of what his 12:00:01PM 23 title is controlled by? 23 deposition. MR. NOVIKOFF: Objection to form. 24 MR. CONNOLLY: Objection. 24 12:00:05PM 12:01:54PM 25 Well, my understanding is that the 12:00:06PM 25 Repeat the question. 12:01:56PM Page 118 Page 120 1 **GEORGE HESSE** 1 **GEORGE HESSE** 2 2 village, the village office, somebody within the Q Is one of the reasons why you used 3 3 village office has to fill out some sort of Ocean Beach as your address to get onto that 4 documentation changing his status or any 4 preferred list? 5 5 MR. NOVIKOFF: Objection. officer's status. 12:02:04PM 6 Q Just for your understanding, if he was 12:00:23PM 6 At the time, yes. 12:02:05PM 7 working in the off season, then he couldn't have 7 How long did you hold the title of 12:02:15PM 8 been properly classified as a seasonal officer; 8 full-time police officer? 9 9 is that your understanding? From November of '95 till present. A 12:02:21PM 10 MR. NOVIKOFF: Objection. 12:00:35PM 10 O So your title is police officer? 12:02:30PM 11 11 A His classification could have been 12:00:42PM Α Correct. 12:02:31PM 12 still seasonal. I really don't know. 12 That's the same title Ed Carter had 12:02:32PM 13 Q But then he's working outside of 12:00:46PM 13 when he worked there? 14 MR. NOVIKOFF: Objection. 14 class, correct? 12:02:36PM 15 MR. NOVIKOFF: Objection. 12:00:50PM 15 Α 12:02:36PM 16 A Oh, yeah. Yes. 12:00:51PM 16 O He wasn't a police officer? 12:02:37PM 17 17 Q So just so I'm clear. I just want to 12:00:54PM 12:02:38PM Α 18 18 make sure I'm clear in my understanding. So O Well, you're full-time, he's 12:02:40PM 19 either he was classified as part-time or he was 19 part-time? 20 misclassified if he was classified as seasonal, 20 12:02:43PM A That's correct. 21 21 MR. NOVIKOFF: Objection. correct? 12:02:44PM 22 MR. NOVIKOFF: Objection to form. 12:01:05PM 22 BY MR. GOODSTADT: 12:02:44PM

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Yes.

12:01:07PM

12:01:08PM

30 (Pages 117 to 120)

12:02:49PM

12:01:08PM

MR. CALLAHAN: Objection to form.

MR. CONNOLLY: Objection.

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Yes.

And you had the same title as the

other full-time police officers in Ocean Beach?

12:02:45PM

	13	عدب	
	Page 121		Page 123
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Did you ever get the title of 12:02:50PM	2	A And that would be our command number. 12:04:48PM
3	sergeant?	3	Q What do you mean by command number? 12:04:50PM
4	A Yes. 12:02:52PM	4	A It's a number designating our police 12:04:52PM
5	Q When was that? 12:02:52PM	5	department within the County of Suffolk.
6	A I believe in 2001. 12:02:53PM	6	Q And you see the CC on the bottom, 12:04:58PM
7	Q When did you first request the title 12:02:55PM	7	Chief Paradiso correspondence file and original
8	of sergeant?	8	to your personnel file.
9	A Maybe in 1999. 12:03:04PM	9	Do you see that? 12:05:04PM
10	Q And how did you go about requesting 12:03:05PM	10	A Yes. 12:05:05PM
11	the title of sergeant?	11	Q Do you know who wrote that? 12:05:05PM
12	A I believe I wrote a memo to Ed 12:03:09PM	12	A No. 12:05:06PM
13	Paradiso.	13	Q That's not your handwriting? 12:05:07PM
14	Q When was the last time you looked at 12:03:12PM	14	A No. 12:05:08PM
15	that memo?	15	Q And then you see a stamp on the bottom 12:05:09PM
16	A I may have looked at it yesterday. I 12:03:19PM	16	that says "Received February 18th, 1999."
17	didn't read it. I just kind of looked at it. I	17	Do you see that? 12:05:13PM
18	just knew what it was.	18	A Yes. 12:05:14PM
19	Q To prepare for today's deposition, you 12:03:24PM	19	Q Do you know who stamped that? 12:05:14PM
20	looked at it?	20	A No. 12:05:16PM
21	A Yes. 12:03:27PM	21	Q How did you deliver this to the chief? 12:05:16PM
22	Q Where did you look at it? 12:03:27PM	22	A I may have just left it on his desk. 12:05:20PM
23	A In Mr. Connolly's office in 12:03:28PM	23	Q Was this the letterhead of Ocean Beach 12:05:23PM
24	Westchester.	24	at the time?
25	MR. GOODSTADT: Please mark that as 12:03:37PM	25	A At the time, yes. 12:05:27PM
	Page 122		Page 124
1	GEORGE HESSE	1	GEORGE HESSE
2	Hesse 1.	2	Q Do you know who created the letterhead 12:05:28PM
3	(Whereupon, Bates document 3856 was 12:03:40PM	3	for Ocean Beach?
4	marked as Plaintiff's Exhibit 1 for	4	A No. 12:05:31PM
5	identification, as of this date.)	5	Q Okay. And now you asked for a 12:05:32PM
6	MR. NOVIKOFF: This is Hesse 1? 12:04:09PM	6	provisional appointment to sergeant.
7	MR. GOODSTADT: It is. 12:04:10PM	7	Do you see that? 12:05:37PM
8	I've placed in front of Mr. Hesse 12:04:15PM	8	A Yes. 12:05:38PM
9	what's now been marked as Hesse 1. It's a	9	Q What does that mean, a provisional 12:05:38PM
10	one-page exhibit bearing Bates No. 3856.	10	appointment?
11	(Handing.)	11	A I believe that you could be appointed 12:05:42PM
12	BY MR. GOODSTADT: 12:04:22PM	12	provisionally to a certain position pending the
13	Q Mr. Hesse, is this the memo that 12:04:22PM	13	taking of the next scheduled test.
14	you're referring to that you wrote to Paradiso	14	Q What's the basis of your belief on 12:05:49PM
15	in '99?	15	that?
16	A I believe so. 12:04:31PM	16	A Somebody, I think, told me that. 12:05:53PM
17	Q Is that your signature on the bottom? 12:04:31PM	17	Q Do you know who told you that? 12:05:55PM
	A Yes. 12:04:33PM	18	A I don't recall. 12:05:56PM
18	0 4 1 1 4 4 1 4 1 4 4 1 4 4 4 4 4 4 4 4	19	Q And so as of 1999, you had not taken 12:05:59PM
18 19	Q And do you see on the bottom under 12:04:33PM	20	
18 19 20	your typed signature line it says "PO103." what	20	the sergeant's test?
18 19 20 21	your typed signature line it says "PO103." what does that stand for?	21	A I don't recall. I may have tried to 12:06:07PM
18 19 20 21 22	your typed signature line it says "PO103." what does that stand for?  A Police officer. 12:04:40PM	21 22	A I don't recall. I may have tried to 12:06:07PM have taken the test at one time.
18 19 20 21 22 23	your typed signature line it says "PO103." what does that stand for?  A Police officer. 12:04:40PM Q Right. 12:04:43PM	21 22 23	A I don't recall. I may have tried to 12:06:07PM have taken the test at one time.  Q At one time prior to '99? 12:06:11PM
18 19 20 21 22	your typed signature line it says "PO103." what does that stand for?  A Police officer. 12:04:40PM	21 22	A I don't recall. I may have tried to 12:06:07PM have taken the test at one time.

31 (Pages 121 to 124)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 32 of 236 PageID #: Page 125 Page 127 GEORGE HESSE 1 GEORGE HESSE 1 2 2 sergeant's test? mumbled and tailed off. 3 3 A I was assigned to take it four times. 12:06:17PM BY MR. GOODSTADT: 12:08:02PM I believe I took it three times. I was a 4 4 Q I said, you don't recall being out 12:08:02PM 5 no-show on one other. 5 drinking the night before that you were a 6 Q Did you pass it on any of the three 12:06:30PM 6 no-show? 7 7 MR. NOVIKOFF: Objection to form. times you took it? 12:08:08PM 12:06:33PM MR. CONNOLLY: Objection. 8 Α No. 8 12:08:09PM 9 9 O So you failed the sergeant's test 12:06:33PM Α 12:08:10PM 10 three times? 10 O Did you ever report to anybody at the 12:08:10PM 11 Α Yes. 12:06:36PM 11 beach the fact that you had failed the sergeant's test each time? 12 0 When was the first time you took it? 12:06:37PM 12 13 13 Α I don't recall. 12:06:38PM Α No. 12:08:16PM 14 Q You don't recall what year it was? 12:06:39PM 14 How were you alerted to the fact of 12:08:22PM 15 Α No. 12:06:41PM 15 your score? Was it posted somewhere? Did you get a letter or something? 16 Q When was the second time you took it? 12:06:42PM 16 17 12:06:43PM 17 MR. NOVIKOFF: Objection. Α I don't recall. 12:08:28PM 18 O Do you recall when the last time you 12:06:44PM 18 I received a letter. 12:08:28PM 12:08:32PM 19 took it? 19 Each time? O 20 I took it in June of '07. 12:06:46PM 20 Α Yes. 12:08:33PM Α 21 0 Do you recall what your score was? 12:06:52PM 21 Q Did you keep copies of those letters? 12:08:46PM 22 12:06:53PM 22 12:08:48PM Α Α 23 23 Q And what was the required score? 12:06:54PM Q Did you throw them out? 12:08:48PM 24 24 Α 12:06:55PM Α Yeah. 12:08:49PM 25 25 Q Do you recall what your scores were 12:06:58PM Q As a police officer, as a full-time 12:08:55PM Page 126 Page 128 1 **GEORGE HESSE** 1 GEORGE HESSE 2 2 the other two times you took it? police officer, are there any restrictions on 3 A No. I don't recall. 12:07:02PM 3 supervisory powers that you're entitled to have? 4 Q Do you need to pass a sergeant's test 12:07:05PM 4 MR. NOVIKOFF: Objection to form. 12:09:05PM 5 5 to be a sergeant? Repeat the question. 12:09:15PM 6 MR. NOVIKOFF: Objection. 6 Yeah. 12:09:16PM 12:07:10PM 7 MR. CONNOLLY: Objection. 12:07:10PM 7 As a full-time police officer, as 12:09:16PM 8 A I believe so, yes. 12:07:11PM 8 opposed to any of the promotional roles, 9 9 Q And what's your basis of that belief? 12:07:12PM sergeant, lieutenant, chief, is there any 10 A It's a promotional exam to sergeant. 12:07:14PM 10 restriction on the supervisory power that you're 11 11 Q And then you write in your memo 12:07:19PM entitled to have? 12 12 here -- well, strike that, before the memo. MR. CALLAHAN: Objection to form. 12:09:29PM 13 When were you a no-show to the test? 12:07:26PM 13 MR. CONNOLLY: Yeah, same objection. 12:09:30PM 12:07:29PM 14 MR. NOVIKOFF: Objection. 12:09:32PM 14 A I don't recall. 15 Q Do you recall what year it was? 12:07:31PM 15 A No. 12:09:34PM 16 12:07:32PM 16 Q So you're not aware of any 12:09:36PM Α 17 17 Why didn't you show up? 12:07:34PM restrictions on powers that you can have in a O 18 I don't recall. 12:07:40PM 18 supervisor role? Α 19 Do you have to provide a reason why 12:07:44PM 19 MR. NOVIKOFF: Note my objection. 12:09:42PM 20 20 you don't show up to the county? 12:09:43PM Α

21

22

23

24

25

down on the second line --

Uh-huh.

Α

O

32 (Pages 125 to 128)

12:09:53PM

12:07:57PM

12:07:47PM

You don't recall being out the night 12:07:53PM

before drinking that you didn't show up?

understand the question. You kind of

MR. NOVIKOFF: Again, I didn't

21

22

23

24

25

No.

Α

Q

says, "The undersigned officer feels since I

Q And you see in the memo, if you look 12:09:47PM

-- the last word says -- that sentence 12:09:53PM

	13	134	
	Page 129		Page 131
1	GEORGE HESSE	1	GEORGE HESSE
2	already assumed the role of a supervisor, that	2	Q Who told him that? 12:12:04PM
3	this appointment will help the police department	3	A The mayor. Mayor Rogers, to be exact. 12:12:05PM
4	as a whole," et cetera.	4	Q Do you know why she told him that? 12:12:09PM
5	Do you see that line? 12:10:05PM	5	A Yes. 12:12:11PM
6	A Yes, I do. 12:10:06PM	6	Q And why did she tell him that? 12:12:11PM
7	Q What were you referring to when you 12:10:07PM	7	A It was a form of disciplinary action 12:12:15PM
8	said "since I already assumed the role of a	8	against Ed Paradiso.
9	supervisor"?	9	Q And what was he being disciplined for? 12:12:19PM
10	A I was a full-time police officer, I 12:10:13PM	10	A I believe it was for double-dipping. 12:12:23PM
11	was a senior officer, according to being	11	Q And how did you learn that that was a 12:12:29PM
12	full-time, and Chief Paradiso already had	12	form of disciplinary action against Paradiso?
13	established that I was in charge of the shifts.	13	A Because I knew a complaint was filed 12:12:33PM
14	Q In charge of which shifts? 12:10:25PM	14	against Paradiso by somebody in the village, and
15	A The shifts that I was on, working. 12:10:27PM	15	I believe it was very slightly investigated and
16	Q Did you have a set assigned shift in 12:10:30PM	16	he was switched to the night tours.
17	or around '99?	17	Q Who filed a complaint? 12:12:50PM
18	A I pretty much worked the standard 12:10:35PM	18	A I believe it was a Dale Wyckoff. 12:12:52PM
19	schedule, yes.	19	Q Wyckoff? 12:12:58PM
20	Q What standard schedule? What's the 12:10:38PM	20	A W-Y-C-K-O-F-F. 12:13:01PM
21	hours of that shift?	21	Q Is that a male or a female, Dale 12:13:06PM
22	A For a long time, I worked Fridays and 12:10:42PM	22	Wyckoff?
23	Saturdays from 9 at night until 5 in the	23	A Female. 12:13:09PM
24	morning, and then on Sundays I worked a 4 to 12,	24	Q Any relation to Doug Wyckoff? 12:13:10PM
25	and then on Mondays and Tuesdays I worked from	25	A Yes. 12:13:13PM
	Page 130		Page 132
1		1	
1	GEORGE HESSE	1	GEORGE HESSE
2	8:00 a.m. till 4 p.m.	2 3	Q What's the relationship? 12:13:13PM
3	Q Were there any other full-time 12:10:57PM officers in '99 other than for you and	4	A Well, there's Doug senior, who is her 12:13:14PM ex-husband, and her son.
5	Paradiso	5	'
6	A No. 12:11:02PM	6	Q Any relationship to a Marissa Wyckoff? 12:13:22PM A That would be her daughter. 12:13:24PM
7	Q at Ocean Beach? 12:11:02PM	7	Q Marissa Wyckoff worked for you at some 12:13:25PM
8	A No. 12:11:04PM	8	point
9	Q And what were Paradiso's hours? 12:11:06PM	9	A Yes. 12:13:29PM
10	A He pretty much worked straight day 12:11:09PM	10	Q in the police department? 12:13:29PM
11	tours. He worked, I believe, from Wednesday	11	There was a Doug Wyckoff at the 12:13:39PM
12	till Sunday, 8 till 4.	12	Halloween incident, correct?
13	Q Did that ever change, those regular 12:11:24PM	13	A Yes. 12:13:43PM
14	tours for Paradiso?	14	Q Was that senior or is that the son? 12:13:43PM
15	A At some point, yes. 12:11:29PM	15	A Senior. 12:13:46PM
16	Q When did it change? 12:11:30PM	16	Q So and is Doug Wyckoff the father 12:13:52PM
17	And I don't mean once he went on leave 12:11:34PM	17	of Marissa Wyckoff?
18	and he didn't have any more tours. I'm talking	18	A Doug senior, yes. 12:13:59PM
19	about until he went on leave.	19	Q How did you learn of the complaint 12:14:03PM
20	A I'm not sure of the date. It might 12:11:41PM	20	filed against Paradiso?
21	have been 2001, 2002.	21	A Dale Wyckoff told me. 12:14:10PM
22	Q And what did his tours change to? 12:11:45PM	22	Q Did you ever see a copy of the 12:14:12PM
23	A He he was told to work the night 12:11:49PM	23	complaint?
24	tours on Fridays and Saturdays and holiday	24	A No. 12:14:15PM
25	Sundays.	25	Q And who told that you he was being 12:14:15PM

33 (Pages 129 to 132)

	13	135	
	Page 133		Page 135
1	GEORGE HESSE	1	GEORGE HESSE
2	that Paradiso was being disciplined for the	2	alleged time overlap or double-dipping I think
3	double-dipping allegation?	3	you called it?
4	A I don't recall. 12:14:22PM	4	A I don't recall. 12:16:08PM
5	Q Did you speak to Mayor Rogers about 12:14:23PM	5	Q You don't recall one way or the other? 12:16:09PM
6	it?	6	A No. 12:16:11PM
7	A I don't recall. 12:14:26PM	7	Q Again, just I know I asked the 12:16:14PM
8	Q And who performed the slight 12:14:28PM	8	question. I just don't remember the question.
9	investigation I think you called it a slight	9	Who told you that the reason why the 12:16:18PM
10	investigation. Who performed the slight	10	tours were being shifted was a form of
11	investigation?	11	discipline?
12	A It was I believe it was Peter Bee 12:14:36PM	12	A I don't recall. 12:16:23PM
13	from Bee, Ready & Fishbein.	13	Q Do you have anything that would 12:16:25PM
14	Q And how do you know that Peter Bee 12:14:45PM	14	refresh your recollection?
15	performed this investigation?	15	A Not that I'm aware of. 12:16:27PM
16	A That's what I was told. 12:14:50PM	16	Q Did you ever discuss with Paradiso 12:16:28PM
17	Q By who? 12:14:51PM	17	that he was being disciplined?
18	A I don't recall. 12:14:52PM	18	A I don't recall. 12:16:35PM
19	Q Did Mayor Rogers tell you that? 12:14:52PM	19	Q Did you ever discuss with any other 12:16:35PM
20	A I don't recall. 12:14:55PM	20	current or former Ocean Beach police officers
21	Q Do you know what the results of the 12:14:55PM	21	that that shift in the tours was a form of
22	investigation were?	22	discipline for Paradiso?
23	A I believe it was confirmed that he was 12:14:57PM	23	MR. NOVIKOFF: Objection to form. 12:16:45PM
24	double-dipping.	24	A I don't recall. 12:16:48PM
25	Q Do you know what led to that 12:15:05PM	25	Q Do you know if anything was put in his 12:16:50PM
	Page 134		Page 136
1	GEORGE HESSE	1	GEORGE HESSE
2	conclusion?	2	personnel file reflecting his being disciplined?
3	A I believe it was his time sheets in 12:15:08PM	3	A I never I have never seen anything. 12:16:55PM
4	Ocean Beach and his time sheets in East Islip	4	I don't know.
5	School District.	5	Q Who made the decision to discipline 12:16:58PM
6	Q And so he was put onto your tours or 12:15:20PM	6	him in this way?
7	at least the Friday, Saturday tours that you	7	A I believe it was the mayor, but 12:17:02PM
8	testified to before?	8	that's I'm just guessing.
9	A Yes. 12:15:25PM	9	Q What's the basis of that belief? 12:17:07PM
10	Q And you were put on different tours? 12:15:26PM	10	A She was his boss. 12:17:09PM
11	A Yes. 12:15:29PM	11	Q Do you know who Ms. Wyckoff complained 12:17:15PM
12	Q What tours were you put on when that 12:15:31PM	12	to?
13	happened?	13	MR. CONNOLLY: You're referring to 12:17:23PM
14	A I was put on the day tour, which was 12:15:33PM	14	MR. GOODSTADT: Dale Wyckoff, yes. 12:17:27PM
15	an 8 a.m. till 4 p.m.	15	MR. CONNOLLY: Right. 12:17:28PM
16	Q Did you ever discuss this change in 12:15:40PM	16	A I believe she took her written 12:17:29PM
17	shift with Paradiso?	17	complaint and filed it with the village office
18	A Yes. 12:15:47PM	18	or the Board of Trustees. I just don't know.
19	Q When? 12:15:48PM	19	Q Do you know if the Board of Trustees 12:17:36PM
20	A I'm sure right after it happened, but 12:15:51PM	20	ever discussed it?
21	I don't recall the date.	21	A I don't know. 12:17:39PM
22	Q Did you discuss the reasons for the 12:15:54PM	22	Q Do you know whether the Board of 12:17:42PM
23	change in shift with Paradiso?	23	Trustees ever voted on the issue of whether or
24	A You know, I don't recall. 12:16:00PM	24	not to discipline Paradiso in the way that
25	Q Did you ever discuss with Paradiso the 12:16:02PM	25	you've testified to?

34 (Pages 133 to 136)

	13	136	<u> </u>
	Page 137		Page 139
1	GEORGE HESSE	1	GEORGE HESSE
2	A I don't know. 12:17:55PM	2	BY MR. GOODSTADT: 12:19:29PM
3	Q Have you ever been in a Board of 12:17:57PM	3	Q Did you receive a provisional 12:19:30PM
4	Trustees meeting?	4	appointment to sergeant in 1999?
5	A Yes. 12:18:00PM	5	A No. 12:19:34PM
6	Q Are you required to go to Board of 12:18:01PM	6	Q Was this request denied? 12:19:34PM
7	Trustees meetings?	7	A I believe so. 12:19:37PM
8	MR. NOVIKOFF: Objection to form. 12:18:05PM	8	Q Who denied it? 12:19:38PM
9	A No. 12:18:06PM	9	A It may have been the chief. 12:19:40PM
10	Q So you sent this memo to Paradiso, and 12:18:14PM	10	Q Do you know why he denied it? 12:19:44PM
11	the first sentence, it says, "As per our	11	A No. 12:19:45PM
12	conversation."	12	Q Did you ever speak to him about him 12:19:45PM
13	Do you see that? 12:18:20PM	13	denying it?
14	A Yes. 12:18:21PM	14	A I don't recall. 12:19:48PM
15	Q What did you and Paradiso discuss in 12:18:21PM	15	Q How did you learn that it was denied? 12:19:49PM
16	that conversation?	16	A I believe was told. 12:19:51PM
17	A I don't recall. 12:18:26PM	17	Q By who? 12:19:52PM
18	Q Do you recall anything that you 12:18:28PM	18	A By the chief. 12:19:52PM
19	discussed? A No. 12:18:29PM	19	Q Did he give you the reason as to why 12:19:53PM he was denying it?
20 21		20 21	
22	Q You don't recall whether you discussed 12:18:31PM the actual test, the sergeant's test with	22	A I don't recall. 12:19:57PM  Q You don't recall if he gave you the 12:19:57PM
23	Paradiso by that time?	23	reason or you don't recall what the reason was?
24	A I don't recall. 12:18:36PM	24	A I don't know. I'm thinking there was 12:20:02PM
25	Q Was anything decided with respect to 12:18:38PM	25	something in writing that he may have given me,
			, , ,
	Page 138		Page 140
1	GEORGE HESSE	1	GEORGE HESSE
2	this request for a provisional appointment in	2	but I don't recall.
3	'99?	3	Q Did you keep a copy of what he gave to 12:20:17PM
4	A I don't recall. 12:18:46PM	4	you in writing?
5	Q Did you actually make a proposal to 12:18:47PM	5	A I don't recall. 12:20:21PM
6	the village for this position?	6	Q Do you know if it was put in your 12:20:22PM
7	A I don't recall. 12:18:52PM	17	personnel file?
8	Q Do you have anything that would 12:18:54PM	8	A I don't know. 12:20:24PM
9	refresh your recollection?  A There might be. I don't know. 12:18:56PM		Q When was the last time you looked at 12:20:25PM your personnel file?
10	A There might be. I don't know. 12:18:56PM  Q Anything that you can think of that 12:18:57PM	10 11	A Last time I looked in my personal 12:20:32PM
12	would refresh your recollection?	12	file? You know, I don't recall.
13	A No. 12:19:01PM	13	Q Last time you looked through it, do 12:20:39PM
14	Q Did you communicate this request with 12:19:04PM	14	you recall seeing anything in writing with
15	any trustees in 1999?	15	respect to a denial of your request in 1999?
16	A I don't recall. 12:19:11PM	16	A No. 12:20:46PM
17	Q Anything that would refresh your 12:19:11PM	17	Q Did you ever make a follow-up request 12:20:48PM
18	recollection?	18	for that same promotion?
19	A I don't know. 12:19:13PM	19	A I may have. 12:20:54PM
20	Q Did you receive an appointment to the 12:19:18PM	20	Q Do you recall actually doing it? 12:20:55PM
21	provisional sergeant's position?	21	A I don't recall. 12:20:57PM
22	MR. CALLAHAN: Objection to form. 12:19:23PM	22	MR. GOODSTADT: I apologize, that 12:21:23PM
23	MR. NOVIKOFF: I join in it. 12:19:25PM	23	corner's ripped.
24	MR. GOODSTADT: I'll strike that. 12:19:28PM	24	(Whereupon, Bates document 3847 was 12:21:27PM
25		25	marked as Plaintiff's Exhibit 2 for

35 (Pages 137 to 140)

Page 141 Page 143 GEORGE HESSE GEORGE HESSE 1 1 2 2 identification, as of this date.) Q What were you referring to there? 12:23:43PM 3 3 MR. CONNOLLY: Andrew, is this a 12:21:49PM A I believe he -- well, he moved off the 12:23:46PM 4 beach and he got a vehicle. And I'm separate exhibit or is it part --4 5 MR. GOODSTADT: It is. This is going 12:21:53PM 5 speculating. But I really -- I really don't 6 to be Hesse 2. It's a separate exhibit. 6 recall. 7 7 I've placed in front of Mr. Hesse 12:22:14PM Q You don't recall what you're referring 12:23:57PM 8 what's now been marked as Hesse 2. It is a 8 to there? 9 9 one-page document that is marked Bates Α No. The "deserved" part, no. 12:24:00PM 10 No. 3847. (Handing.) 10 The next sentence says, "He always 12:24:02PM BY MR. GOODSTADT: 11 12:22:25PM 11 made deals with the village without first 12 Q Mr. Hesse, have you ever seen this 12:22:26PM 12 consulting you." 13 document that's been marked as Hesse 2? 13 12:24:07PM Do you see that? 14 12:22:30PM 14 Yes. 12:24:08PM Α 15 Is that your signature at the bottom 12:22:30PM 15 O What are you referring to there? 12:24:08PM Q 16 left corner? 16 Bob was always scamming, trying to 12:24:10PM 17 A Yes. 12:22:33PM 17 scam over the chief. He wanted to be the chief. 18 Q And does this refresh your 12:22:35PM 18 He wanted to be in charge. He was always recollection as to whether you made a subsequent 19 19 playing me and Paradiso and the mayor --20 request for this provisional appointment 20 actually, the previous mayor, Natalie Rogers, 21 promotion? 21 against each other. And he was just -- I think 22 22 Yes. 12:22:45PM he was just ploying for leadership. Α 23 And this is dated March 25th, 2001, 12:22:45PM 23 Q What did he do to make you believe Q 12:24:35PM 24 24 correct? that he was ploying for leadership? 25 25 Correct. 12:22:49PM He was always badmouthing Ed Paradiso 12:24:41PM Α Page 142 Page 144 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 Q Do you recall how you submitted this 12:22:49PM and always trying to get him into trouble for 3 3 to the chief? things that Ed may have done or not done. I 4 A I may have just laid it on his desk. 12:22:54PM 4 don't know. But he was always trying to be in 5 5 charge of everything. And in the second paragraph, you 6 reference, "The last time we spoke of this, you Was that inappropriate --6 12:24:54PM 7 stated 'look at what they did to Bob Golopi.'" 7 MR. NOVIKOFF: Objection. 12:24:57PM 8 Do you see that? 12:23:10PM 8 BY MR. GOODSTADT: 12:24:58PM 9 9 A Yes. 12:23:11PM 12:24:59PM Q -- in your mind? 10 Q Do you recall the conversation that 12:23:12PM 10 Α Yes. 12:25:00PM 11 you're referring to, the last time we spoke of 11 Did he ever go outside the chain of 12:25:01PM 12 that, when that last conversation was? 12 command and complain about Paradiso? 12:23:19PM 13 A I don't recall. 13 MR. NOVIKOFF: Objection. 12:25:06PM 14 14 Was that the conversation in '99 that 12:23:19PM BY MR. GOODSTADT: 12:25:07PM Q Did Golopi ever go outside the chain 12:25:07PM 15 you testified to already or is that some 15 16 subsequent conversation? 16 of command to complain about Paradiso? 17 17 A I don't recall. 12:23:24PM MR. NOVIKOFF: Objection. 12:25:13PM 18 Do you know what you're referring to 12:23:26PM 18 I don't know. 12:25:14PM Α 19 or what Paradiso was referring to when he said 19 Is going to the village and 12:25:16PM 20 20 "look at what they did to Bob Golopi"? complaining about him without first going to 21 21 You know, I don't recall. 12:23:35PM Paradiso, is that going outside the chain of 22 The next sentence says, "Bob got what 12:23:37PM 22 command? 23 23 he wanted and/or deserved." Well, if he felt there was an issue 12:25:24PM 24 24 Do you see that? 12:23:41PM with Paradiso, the next step would be the mayor, 25 A Yes. 12:23:42PM 25 who was our police commissioner. So that is not

36 (Pages 141 to 144)

	13	138	
	Page 145		Page 147
1	GEORGE HESSE	1	GEORGE HESSE
2	going out of the chain of command.	2	A Probably for as long as she's been the 12:27:00PM
3	Q Is that what he did? When you say 12:25:34PM	3	mayor.
4	"deals with the village," you're referring to	4	Q Did she ever call you Chief Hesse? 12:27:03PM
5	the mayor?	5	A Yes. 12:27:05PM
6	A Yes. 12:25:43PM	6	Q When did that start? 12:27:06PM
7	Q And the chain of the command, should 12:25:45PM	7	A When I was designated the deputy 12:27:07PM
8	he first have gone to Paradiso	8	chief.
9	MR. NOVIKOFF: Objection to form. 12:25:50PM	9	Q And then the first sentence of this 12:27:10PM
10	BY MR. GOODSTADT: 12:25:51PM	10	last paragraph says well, the next-to-last
11	Q with a complaint he had about 12:25:52PM	11	paragraph, "I understand I did not do well
12	Paradiso?	12	enough to pass the last exam."
13	A Yes. 12:25:54PM	13	Do you see that? 12:27:21PM
14	Q The next paragraph, the second 12:25:56PM	14	A Yes. 12:27:22PM
15	sentence says, "All I asked for is the title of	15	Q So does that refresh your recollection 12:27:22PM
16 17	sergeant."	16 17	as to when you took the first test?  A No. 12:27:27PM
18	Do you see that? 12:26:04PM A Yes. 12:26:04PM	18	Q But at least as of '01, you had taken 12:27:30PM
19	Q Is the sergeant, is that a competitive 12:26:04PM	19	one and failed it, correct?
20	position, where there needs to be a canvass	20	A Correct. 12:27:34PM
21	letter?	21	Q And when you say "the last exam," 12:27:36PM
22	MR. NOVIKOFF: Objection. 12:26:12PM	22	you're referring to the sergeant's exam?
23	MR. CALLAHAN: Objection. 12:26:13PM	23	A Yes. 12:27:41PM
24	MR. CONNOLLY: Objection. 12:26:14PM	24	Q Did you take it again after this 2001, 12:27:47PM
25	A On most jobs, yes. 12:26:14PM	25	do you know, the test?
	Da 22 14C		Dana 140
	Page 146		Page 148
1	GEORGE HESSE	1	GEORGE HESSE
2	Q How about at Ocean Beach? 12:26:16PM	2	A Yes. 12:27:50PM
3	A Well, if I'm the only one taking the 12:26:18PM	3	Q Two more times after that? 12:27:52PM
4	test, it's just a promotion. It's not	4	A No. 12:27:54PM
5	comparative.	5	Q One more time after '01 you took it? 12:27:55PM A Yes. 12:27:57PM
6	Q What do you mean by "on most jobs, 12:26:24PM	6 7	
8	yes''?  A Say if it was Suffolk County PD and 12:26:27PM	8	Q So you had taken it twice before you 12:27:58PM wrote this letter and once after?
9	you got 600 guys taking the sergeant's test and	9	A To the best of my recollection, yes. 12:28:02PM
10	there are four positions open, it's a	10	Q Okay. So to the best of your 12:28:04PM
11	competitive promotion.	11	recollection, you took it in '07. We discussed
12	Q So here there wouldn't have been a 12:26:37PM	12	that.
13	canvass letter for that title, because you're	13	When did you take it prior to '07, 12:28:08PM
14	the only person going for it?	14	going in reverse chronological order?
15	MR. NOVIKOFF: Objection. 12:26:39PM	15	A I don't recall. 12:28:15PM
16	A You know, I don't know. 12:26:40PM	16	Q You don't recall what year it was? 12:28:15PM
17	Q Then the last sentence of that 12:26:44PM	17	A No. 12:28:17PM
18	paragraph, "Even Mayor Rogers refers to me as	18	Q And you don't recall the first time 12:28:18PM
19	the sergeant when she speaks to me."	19	you took it?
20	Do you see that? 12:26:51PM	20	A No. 12:28:22PM
21	A Yes. 12:26:51PM	21	Q But it's your belief that you had 12:28:23PM
22	Q What did you mean by that? 12:26:51PM	22	taken it twice by '01, though, correct?
23	A She would call me Sergeant Hesse. 12:26:53PM	23	A Yes. 12:28:26PM
24	Q Really? For how long was she calling 12:26:56PM you Sergeant Hesse?	24	Q Is there a limit on the amount of 12:28:27PM
25	VALL SAPGOUNT HOCCO/	25	times you can take a test for sergeant?

37 (Pages 145 to 148)

Page 149 Page 151 1 GEORGE HESSE 1 GEORGE HESSE 2 2 MR. NOVIKOFF: Objection. 12:28:31PM in executive session at a board meeting. 3 3 A Not that I'm aware of. 12:28:32PM You weren't at the executive session? 12:30:36PM 4 4 Α 12:30:38PM Q Now, you write in the next-to-last 12:28:43PM 5 sentence in that paragraph, "According to Civil 5 Q So how did you learn that it was 12:30:39PM 6 Service, you can stay in a provisional position 6 approved at the executive session? 7 7 pending two exams." 12:30:42PM Paradiso had told me. 8 12:28:51PM 8 Do you know when that was approved? 12:30:47PM Do you see that? 9 9 Yes. 12:28:51PM The date is -- the year was 2001. To 12:30:49PM 10 What's your basis for making that 10 tell you the truth, I don't know the exact time 12:28:51PM 11 11 frame. It was definitely before the summer of statement? 12 A I believe I was told that. 12:28:54PM 12 2001. 13 Q By who? 12:28:56PM 13 Q And did that -- was the approval for 12:31:02PM 14 Α I don't recall. 12:28:56PM 14 the provisional appointment or did they appoint 15 And what did you mean by that? What's 12:29:00PM 15 you sergeant? 16 your understanding of "you can stay in the 16 A It might have just been sergeant. I 12:31:09PM 17 provisional position pending two exams"? 17 don't know what the exact --18 A I believe my understanding was if you 12:29:07PM 18 Q Did you ever receive any -- a 12:31:14PM 19 took the test and failed it, you could remain in 19 confirmation of it in a letter saying 20 that position until you take it again and 20 congratulations, you received X position? 21 hopefully pass it. 21 No, I don't recall. 12:31:21PM 22 22 Q And what happens after the second time 12:29:15PM Q Did you receive a raise when you got 12:31:22PM 23 you fail it, your understanding? 23 the promotion? A I don't know. I would assume they 24 24 Α I don't recall. 12:31:28PM 25 25 remove you from the provisional appointment. Did you receive any additional 12:31:29PM Page 150 Page 152 1 **GEORGE HESSE** 1 **GEORGE HESSE** 2 2 Q Then you said, "That gives me at least 12:29:26PM authority when you got the position? 3 3 four to five years to pass the test." A I was the sergeant, that -- sergeant. 12:31:35PM 4 Do you see that? 12:29:30PM 4 Q Did that -- did that grant you with 12:31:39PM 5 5 any additional authority that you didn't have Yes. 12:29:31PM 6 6 prior to being sergeant? Q How often was the test given, at least 12:29:32PM 7 7 MR. NOVIKOFF: Objection. Form. 12:31:45PM at that time? 8 It's given in two-year increments. 8 12:31:46PM Α 12:29:36PM 9 9 Q Every two years? Did you have the authority to hire or 12:31:48PM 12:29:38PM Q 10 Every two years, yes. 12:29:39PM 10 fire officers? 11 11 And then the last sentence says, "I 12:29:43PM Α 12:31:51PM 12 hope you reconsider your last decision, and I 12 Q Did Paradiso have that authority? 12:31:55PM 13 thank you for your time in this matter." 13 Α 12:31:59PM 14 14 Do you see that? 12:29:57PM Q Do you know whether he needed board 12:31:59PM 15 Α Yes. 12:29:57PM 15 approval to hire or fire an officer? 16 Q Did Paradiso ever reconsider his 12:29:57PM 16 MR. NOVIKOFF: Objection. 12:32:03PM 17 12:32:06PM 17 decision the last time? I don't believe so. 18 Yes. 12:30:01PM 18 Q Do you know whether he needed approval 12:32:09PM Α 19 Q Okay. And what did he do this time in 12:30:02PM 19 from Civil Service to hire and fire an officer? 20 20 response to this letter? MR. NOVIKOFF: Objection. Form. 12:32:14PM 21 21 Foundation. A I believe he gave my proposal to the 12:30:09PM 22 village board, and it was approved. 22 Α Yes. 12:32:16PM 23 23 Were you at the -- strike that. 12:30:25PM He needed approval from Civil Service? 12:32:18PM Q 24 24 12:32:20PM Was it approved at a board meeting? 12:30:27PM A 25 25 To my understanding, it was approved 12:30:29PM Q Do you know whether he needed approval 12:32:25PM

38 (Pages 149 to 152)

		140	1 lied 01/13/10 1 age 33 of 2301 age b #.
	Page 153		Page 155
1	GEORGE HESSE	1	GEORGE HESSE
2	from anyone else other than for Civil Service	2	MR. GOODSTADT: Could you mark that as 12:34:16PM
3	before he could hire or fire?	3	Hesse 3.
4	A I'm not aware of any. 12:32:33PM	4	(Whereupon, Bates document 3845-46 was 12:34:18PM
5	Q What's the basis of your understanding 12:32:36PM	5	marked as Plaintiff's Exhibit 3 for
6	that he needed approval from Civil Service	6	identification, as of this date.)
7	before hiring or firing an officer?	7	MR. CALLAHAN: How is this being 12:34:47PM
8	A Well, for the position, any person 12:32:41PM	8	marked?
9	within a municipality who is going to be hired,	9	MR. GOODSTADT: Hesse 3. 12:34:49PM
10	you have to meet the minimum requirements that	10	I've placed in front of Mr. Hesse 12:34:53PM
11	Civil Service designates.	11	what's been marked as Hesse 3. It is a
12	Q And how about for terminations, did he 12:32:55PM	12	two-page document bearing Bates Nos. 3845
13	need approval from Civil Service before firing a	13	and 3846. (Handing.)
14	police officer?	14	BY MR. GOODSTADT: 12:35:02PM
15	MR. NOVIKOFF: Objection. Form. 12:33:05PM	15	Q Mr. Hesse, have you ever seen the 12:35:03PM
16	MR. CALLAHAN: Objection. 12:33:07PM	16	exhibit that's been marked as Hesse 3?
17	A I don't believe so. 12:33:07PM	17	A Yes. 12:35:07PM
18	Q Did you actually appear before the 12:33:11PM	18	Q Does this refresh your recollection as 12:35:08PM
19	board to make a proposal for this position?	19	to whether he forwarded on your document with
20	MR. NOVIKOFF: His position? 12:33:16PM	20	the recommendation?
21	BY MR. GOODSTADT: 12:33:17PM	21	A Yes. 12:35:14PM
22	Q For the provisional appointment 12:33:17PM	22	Q Did you ever discuss with him that he 12:35:14PM
23	position or just a sergeant position whichever	23	was going to recommend you for the position?
24	one you actually were promoted to.	24	MR. NOVIKOFF: Objection. It was a 12:35:22PM
25	MR. NOVIKOFF: As referred to in 12:33:24PM	25	little confusing.
	Page 154		Page 156
1	GEORGE HESSE	1	GEORGE HESSE
2	Hesse 2?	2	BY MR. GOODSTADT: 12:35:24PM
3	MR. GOODSTADT: This is the request. 12:33:27PM	3	Q At that time, before he sent this on, 12:35:25PM
4	He doesn't know exactly what the actual	4	did you ever discuss with him that he was going
5	promotion was. It was either sergeant or a	5	to forward your request on with his
6	provisional appointment as sergeant.	6	recommendation?
7	BY MR. GOODSTADT: 12:33:35PM	7	A I don't recall. 12:35:34PM
8	Q Did you actually propose a promotion 12:33:35PM	8	Q Did you discuss the test with him at 12:35:34PM
9	to the board?	9	that point in time, the sergeant's test?
10	MR. CONNOLLY: Did he? 12:33:38PM	10	A I don't recall. 12:35:38PM
11	BY MR. GOODSTADT: 12:33:39PM	11	Q And it's your understanding that the 12:35:43PM
12	Q Yeah, did you physically go there and 12:33:39PM	12	board voted on it and approved it in executive
13	make a proposal to them?	13	session?
14	A No. 12:33:42PM	14	MR. NOVIKOFF: Objection. Asked and 12:35:48PM
15	Q Did you know that Paradiso had 12:33:45PM	15	answered.
16	forwarded your request on to the board?	16	BY MR. GOODSTADT: 12:35:49PM
17	A I don't recall how it was done. 12:33:52PM	17	Q Is that correct? 12:35:49PM
18	Q Do you know whether he supported that 12:33:53PM	18	A Yes. 12:35:50PM
19	promotion at the time when he forwarded it on to	19	Q Did you ever see any minutes that 12:35:51PM
20	the board?	20	reflect that?
21	A I don't know what his thoughts were. 12:34:00PM	21	A No. 12:35:56PM
22	Q Did you ever see the letter that he 12:34:03PM	22	Q Did you ever speak to any of the 12:35:57PM
23	sent or the transmission that he sent with your	23	trustees about their approval of that
24	proposal to the board?	24	appointment?
25	A I may have. I don't recall. 12:34:10PM	25	A Yes. 12:36:03PM

39 (Pages 153 to 156)

	13	3141
	Page 157	7 Page 159
1	GEORGE HESSE	1 GEORGE HESSE
2	Q Who did you speak with? 12:36:03PM	2 A I don't know. 12:37:49PM
3	A Andrew Miller. 12:36:05PM	3 Q Did you receive any training from 12:37:50PM
4	Q Anyone else? 12:36:06PM	4 Suffolk County to be a sergeant?
5	A Not that I recall. 12:36:08PM	5 A No. 12:37:56PM
6	Q And what did Mr. Miller and you 12:36:12PM	6 Q Did you go to any training other 12:37:58PM
7	discuss?	7 than for it being on the job, did you go to any
8	A I don't recall. 12:36:17PM	8 formal training to be a sergeant?
9	Q Do you recall anything that you 12:36:18PM	9 A No. 12:38:07PM
10	discussed with him about the appointment?	10 Q Did you have a business card at that 12:38:09PM
11	A I don't recall. 12:36:23PM	11 time?
12	Q Did he tell you that it was 12:36:24PM	12 A I believe I did. 12:38:12PM
13	provisional as opposed to just sergeant?	Q Did you change your business card to 12:38:13PM
14	A I don't recall. 12:36:30PM	14 reflect sergeant?
15	Q Do you know whether the promotion was 12:36:36PM	
16	reported to Civil Service?	16 Q Did it say provisional in there at 12:38:18PM
17	A No, I don't. 12:36:43PM	17 <b>all?</b>
18	Q Do you know if it was reported to the 12:36:45PM	18 A Not that I'm aware of, no. 12:38:22PM
19	State of New York?	19 Q Did you create your own business card 12:38:24PM
20	A No, I don't. 12:36:48PM	20 or did somebody or did someone at Ocean Beach
21	Q Did you ever attend any supervisory 12:36:57PM	21 who was responsible for creating the business
22	schools administered by the Suffolk County	22 cards?
23	Police?	MR. NOVIKOFF: Objection. Form. 12:38:32PM
24	MR. NOVIKOFF: Objection to form. 12:37:03PM	24 A I believe I created it. 12:38:33PM
25	Foundation.	25 Q And you went out and got somebody to 12:38:35PM
	Page 158	Page 160
1	GEORGE HESSE	1 GEORGE HESSE
2	MR. CALLAHAN: Same objection. 12:37:05PM	2 print them up?
3	A No. 12:37:07PM	3 A No. 12:38:39PM
4	Q Is that a requirement to become a 12:37:08PM	4 Q You printed them up yourself? 12:38:40PM
5	sergeant to attend a supervisory school?	5 A Yes. 12:38:42PM
6	MR. NOVIKOFF: Objection. Form. 12:37:14PM	6 Q Did you have a change in your uniform 12:38:45PM
7	MR. CALLAHAN: Same. 12:37:18PM	7 to reflect the fact that you had been promoted
8	MR. CONNOLLY: Same. 12:37:18PM	8 to sergeant?
9	A I don't know. 12:37:20PM	9 A Yes. 12:38:52PM
10	Q You don't know one way or the other? 12:37:20PM	10 Q What did you have, the three chevron 12:38:52PM
11	A No. 12:37:20PM	11 patch or something that reflected your
12	Q Do you know what I mean when I say 12:37:21PM	
13	supervisory school administrated by the Suffolk	13 A Yes. 12:38:57PM
14	County Police?	14 Q Is that what you had, a three chevron 12:38:57PM
15	A Yes. 12:37:27PM	15 patch?
16	Q What is that, in your understanding. 12:37:28PM	16 A Yes. 12:39:00PM
17	A I just know of a course that Suffolk 12:37:30PM	Q And where did you get that patch from? 12:39:01PM
18	County offers as a supervisor school.	18 A I believe it was ordered from the 12:39:04PM
19	Q And you never took that course? 12:37:38PM	19 uniform supply store.
20	A No. 12:37:40PM	Q And you wore that on your sleeve? 12:39:10PM
21	Q And you don't know one way or the 12:37:40PM	21 A Yes. 12:39:13PM
22	other whether it's required to be a sergeant to	Q Was there any change to your shield 12:39:16PM
23	take that course, correct?	that reflects that you're a sergeant?
24	MR. NOVIKOFF: Objection. Form. 12:37:47PM	24 A Yes. 12:39:20PM
25	MR. CALLAHAN: Same. 12:37:48PM	Q What was the change on your shield 12:39:20PM

40 (Pages 157 to 160)

	13	3,142
	Page 161	Page 16
1	GEORGE HESSE	1 GEORGE HESSE
2	that reflected a sergeant?	2 Q And were you sergeant at the time he 12:40:55PM
3	A I was issued a sergeant's shield. 12:39:23PM	3 told you that or had you received another
4	Q By who? 12:39:25PM	4 promotion since then?
5	A Ed Paradiso. 12:39:26PM	5 A I received another promotion since 12:41:01PM
6	Q And when were you issued that shield? 12:39:31PM	6 then.
7	A I believe it had to be ordered, so I 12:39:37PM	7 Q Did anyone ever tell you that the 12:41:04PM
8	don't really recall the exact date.	8 sergeant title was just internal?
9	Q Sometime in or around 2001? 12:39:41PM	9 A No. 12:41:08PM
10	A Yes. 12:39:44PM	10 Q So even Joe Loeffler didn't tell you 12:41:08PM
11	Q Did you hold yourself out to anybody 12:39:47PM	11 the sergeant title was internal?
12	outside of the beach as a sergeant?	12 A Joe Loeffler wasn't a trustee at the 12:41:14PM
13	MR. CALLAHAN: Objection to form. 12:39:54PM	13 time.
14	MR. NOVIKOFF: Yeah, objection. 12:39:55PM	14 Q At what time? 12:41:17PM
15	MR. CONNOLLY: Objection. 12:39:56PM	15 A At the time when I was given the 12:41:18PM
16	A Yes. 12:39:56PM	16 sergeant's.
17	Q Who did you hold yourself out to be 12:39:57PM	Q So at the time you held the sergeant 12:41:21PM
18	who did you hold yourself out to as a sergeant	18 title and held yourself out to the world as a
19	outside of Ocean Beach?	19 sergeant, did anybody tell you that it was just
20	A The world. 12:40:05PM	20 an internal title?
21	Q So it wasn't your understanding that 12:40:06PM	21 A No. 12:41:29PM
22 23	this was some internal title, correct?	MR. CALLAHAN: Objection to form. 12:41:31PM
24	MR. NOVIKOFF: Objection. 12:40:11PM MR. CONNOLLY: Objection. 12:40:12PM	23 MR. NOVIKOFF: I join in. I don't 12:41:33PM 24 like anyone to be alone.
25	A I was the sergeant. I was promoted 12:40:14PM	<ul> <li>like anyone to be alone.</li> <li>MR. CALLAHAN: Thank you.</li> <li>12:41:43PM</li> </ul>
	A 1 was the sergeant. I was promoted 12.40.141 W	25 WIK. CALLATIAN. Halik you. 12.41.451 W
	Page 162	Page 16
1	GEORGE HESSE	1 GEORGE HESSE
2	internally, yes.	2 BY MR. GOODSTADT: 12:41:56PM
3	Q So if I were to tell you that there 12:40:18PM	3 Q So before, I asked you whether you had 12:41:57PM
4	was some testimony by a village official that	4 the same title currently, your Civil Service was
5	this was just an internal title, would that be	5 a full-time police officer and you told me it
6	news to you?	6 was. And then I asked you was it the same title
7	A No. 12:40:28PM	7 as Ed Carter, and you told me it wasn't. But do
8	Q It wouldn't? 12:40:29PM	8 you and Ed Carter hold the same police
9	A No. 12:40:30PM	9 certificate?
10	Q So you've been told in the past that 12:40:30PM	10 MR. NOVIKOFF: Objection. 12:42:19PM
11	this is an internal title?	11 MR. CONNOLLY: Objection. 12:42:19PM
12	A Recently, yes. 12:40:34PM	12 A Yes. 12:42:20PM
13	Q How recently how about at the time? 12:40:35PM	
14 15	A At the time, no. 12:40:37PM  When were you fold it was just an 12:40:38PM	14 <b>Mr. Lamm, Mr. Snyder?</b> 15 MR. NOVIKOFF: Same objection. 12:42:26PM
16	Q When were you told it was just an 12:40:38PM internal title?	15 MR. NOVIKOFF: Same objection. 12:42:26PM 16 A Yes. 12:42:27PM
17	A Probably within the last two years 12:40:42PM	17 Q Mr. Nofi? 12:42:28PM
18	now.	18 MR. NOVIKOFF: Same objection. 12:42:30PM
19	Q Uh-huh. Who told you that? 12:40:45PM	19 A Yes. 12:42:30PM
20	A Mayor Joe Loeffler. 12:40:47PM	20 Q Yes? 12:42:31PM
21	Q When did he tell you that in the last 12:40:48PM	21 A Yes. 12:42:32PM
22	two years?	Q Did there come a point in time that 12:42:32PM
23	A I don't recall. 12:40:51PM	23 you were promoted from the sergeant title?
24	Q Do you recall what year it was? 12:40:51PM	24 A Yes. 12:42:37PM
25	A It was within the last two years. 12:40:53PM	25 Q And when did that happen? 12:42:38PM
_	·	

41 (Pages 161 to 164)

	13	143	
	Page 165		Page 167
1	GEORGE HESSE	1	GEORGE HESSE
2	A I believe the date was January 18th, 12:42:41PM	2	board for my new position.
3	2006.	3	Q Do you know whether do you know 12:44:52PM
4	Q And what title did you receive a 12:42:48PM	4	when the recommendation was made to the board?
5	promotion to in January of 2006?	5	A I don't know. 12:44:57PM
6	A Acting deputy chief. 12:42:58PM	6	Q Were you at the meeting at which it 12:44:58PM
7	Q And is that something that you applied 12:43:10PM	7	was made?
8	for or put in a request for like you had done	8	A No. 12:45:00PM
9	for the sergeant position?	9	Q Do you know whether it was reported to 12:45:03PM
10	A No. 12:43:16PM	10	the public prior to the board proposal?
11	Q Did you actually have to fill out any 12:43:17PM	11	A Not that I'm aware of. 12:45:07PM
12	work, any paperwork when you got the sergeant	12	Q And how are you aware that he actually 12:45:12PM
13	position to reflect that change?	13	was going to move forward and make that
14	A Not that I recall. 12:43:25PM	14	proposal?
15	Q Did you have to fill out any 12:43:26PM	15	A He told me. 12:45:20PM
16	application for that position other than for the	16	Q And that was in '05? 12:45:22PM
17	two letters that we've seen?	17	A Yes. 12:45:23PM
18	A Not that I recall. 12:43:32PM	18	Q Did he tell you when he was going to 12:45:24PM
19	Q Now, the so the deputy acting 12:43:35PM	19	make that proposal?
20	deputy chief, is that what you said?	20	A Not exactly, no. 12:45:27PM
21	A Correct. 12:43:40PM	21	Q Did you take on the role prior to the 12:45:28PM
22	Q How did you learn that you were up for 12:43:41PM	22	proposal being made, like, for example, he told
23	that position?	23	you in '05 he was going to make the proposal.
24	A I was approached by Joe Loeffler, and 12:43:44PM	24	According to you it was done in 06 in January.
25	he said she was going to make that suggestion to	25	During the period from when he told you until
	Page 166		Page 168
1	GEORGE HESSE	1	GEORGE HESSE
2	the board.	2	the time that the proposal was made, had you
3	Q And is that a position that a canvass 12:43:54PM	3	taken on the role of deputy chief of police
4	letter would ordinarily go out to?	4	or deputy chief of police or acting deputy
5	MR. CALLAHAN: Objection to form. 12:43:59PM	5	chief of police.
6	A I don't know. 12:44:00PM	6	MR. NOVIKOFF: Objection to form. 12:45:56PM
7	Q You don't know one way or the other? 12:44:01PM	7	MR. CONNOLLY: Objection to form. 12:45:57PM
8	A No. 12:44:04PM	8	MR. CALLAHAN: Objection. 12:45:59PM
9	Q When did Mr. Loeffler approach you to 12:44:04PM	9	A I don't know if I assumed the role. I 12:46:00PM
10	tell you that he was going to make that proposal	10	did the job.
11	to the board?	11	Q And do you know whether the proposal 12:46:05PM
12	A I don't recall any specific date. 12:44:09PM	12	was actually made to the board?
13	Q What was his title at the time? 12:44:10PM	13	A No. 12:46:10PM
14	A Trustee. 12:44:12PM	14	Q Did you ever see any documentation 12:46:11PM
15	Q Do you recall what year it was that he 12:44:15PM	15	that demonstrates that it was?
16	told you this?	16	A After I was approved, I did. 12:46:16PM
17	A It had to be in 2005 at some point. 12:44:17PM	17	Q And how did you learn that it was made 12:46:18PM
18	Q Do you recall what month it was? 12:44:23PM	18	and approved?
19	A No, I don't. 12:44:25PM	19	A Well, I was at the board meeting when 12:46:21PM
20	Q What did he tell you? 12:44:27PM	20	they made the appointment.
21	A Well, at that point, Paradiso had 12:44:34PM	21	Q So you were there when they proposed 12:46:25PM
22	taken his leave, and he felt that the police	22	it and voted on it?
23	department still needs to move forward and	23	A Yes. It was in a public forum. Yes. 12:46:28PM
24	needed a certain sort of leadership and that he	24	Q Did you have to present anything to 12:46:32PM
25	was going to make the recommendation to the	25	the board in that meeting?

42 (Pages 165 to 168)

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	Case 2:07-cv			Filed 01/15/10 Page 43 of 236 PageID #:
		Page 169	3144	Page 171
1	CEOR	GE HESSE	1	GEORGE HESSE
2	A No.	12:46:35PM	2	time?
3		e speak on your behalf when 12:46:37PM	3	MR. NOVIKOFF: Objection to the form 12:48:20PM
4	the proposal was	-	4	of the question.
5		rustee Loeffler did. 12:46:41PM	5	A Not that I'm aware of. 12:48:23PM
6		call what he said? 12:46:45PM	6	Q Just you had it referred to Loeffler, 12:48:25PM
7	A Not exactly		7	but you don't know if it was official or not?
8	•	the mayor at the time? 12:46:49PM	8	A That's correct. 12:48:29PM
9	A Natalie Ro	· ·	9	Q Who is the police commissioner today? 12:48:30PM
10		ver speak to Chief Paradiso 12:46:55PM	10	A Joseph Loeffler. 12:48:32PM
11		al that you'd be made deputy	11	Q Was Paradiso still working at this 12:48:38PM
12		puty chief of police?	12	time?
13	A No.	12:47:06PM	13	MR. NOVIKOFF: Objection. Form. 12:48:42PM
14		ver learn of a conversation 12:47:08PM	14	MR. CONNOLLY: Presumably you're 12:48:46PM
15		I with Rogers about that	15	talking about the beach.
16	appointment?	THE ROSCIS LEVEL THE	16	MR. GOODSTADT: At the beach. At the 12:48:49PM
17		emember something, yes. 12:47:18PM	17	beach.
18		ou remember? 12:47:20PM	18	A No. 12:48:50PM
19	-	t that I wasn't right for 12:47:21PM	19	Q So he was already out on his leave or 12:48:50PM
20	the job.	1211/121111	20	whatever he was out on?
21	-	ow why he felt that? 12:47:24PM	21	MR. NOVIKOFF: Objection. 12:48:54PM
22		was threatened. 12:47:26PM	22	A Yes. 12:48:55PM
23		ver discuss with him 12:47:28PM	1,,,	
			123	U 1es: 12:48:55PM
24	A No.		23	•
24 25	A No.	12:47:30PM tion on that? 12:47:30PM	1	•
	A No.	12:47:30PM	24	A Yes. 12:48:56PM
	A No.  Q his posit	12:47:30PM tion on that? 12:47:30PM	24	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM
25	A No.  Q his posit	12:47:30PM tion on that? 12:47:30PM Page 170	24 25	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172
25	A No.  Q his posit  GEOR  A No.	12:47:30PM 12:47:30PM Page 170  GE HESSE	24 25 1	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE
25 1 2	A No.  Q his posit  GEOR  A No.  MR. NOVII	12:47:30PM 12:47:30PM Page 170 GE HESSE 12:47:31PM	24 25 1 2	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment?
25 1 2 3	A No. Q his position  GEOR A No. MR. NOVII answer before the	12:47:30PM 12:47:30PM Page 170 GE HESSE 12:47:31PM KOFF: I'm sorry, what was his 12:47:32PM	24 25 1 2 3	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM
25 1 2 3 4	A No. Q his position  GEOR A No. MR. NOVIII answer before the	12:47:30PM tion on that?  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?	24 25 1 2 3 4	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM
25 1 2 3 4 5	GEOR A No. MR. NOVII answer before the MR. GOOD threatened.	12:47:30PM tion on that?  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?	24 25 1 2 3 4 5	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM
1 2 3 4 5 6	A No. Q his position  GEOR A No. MR. NOVIII answer before the MR. GOOD threatened. MR. NOVIII threatened?	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM	24 25 1 2 3 4 5 6	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and
1 2 3 4 5 6 7	A No. Q his position  GEOR A No. MR. NOVIII answer before the MR. GOOD threatened. MR. NOVIII threatened? MR. GOOD	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM	24 25 1 2 3 4 5 6 7	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief.
25 1 2 3 4 5 6 7 8	A No. Q his position  GEOR A No. MR. NOVII answer before the MR. GOOD threatened. MR. NOVIII threatened? MR. GOOD A Not physic	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question? STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM	24 25 1 2 3 4 5 6 7 8	A Yes. 12:48:56PM Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM
1 2 3 4 5 6 7 8 9	A No.  Q his position  GEOR  A No.  MR. NOVII  answer before the MR. GOOD threatened.  MR. NOVII threatened?  MR. GOOD A Not physice  Q That's justice.	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question? STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM  t your speculation, right? 12:47:43PM	24 25 1 2 3 4 5 6 7 8 9	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM
1 2 3 4 5 6 7 8 9 10 11 12	A No. Q his position  GEOR A No. MR. NOVIII answer before the MR. GOOD threatened. MR. NOVIII threatened? MR. GOOD A Not physice Q That's just	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM t your speculation, right? 12:47:43PM to him about that?	1 2 3 4 5 6 7 8 9 10 11 12	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM know.
1 2 3 4 5 6 7 8 9 10 11 12 13	A No. Q his positive of the	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM t your speculation, right? 12:47:43PM to him about that? 12:47:47PM	24 25 1 2 3 4 5 6 7 8 9 10 11 12 13	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM know. Q Is there a Civil Service test that's 12:49:26PM
1 2 3 4 5 6 7 8 9 10 11 12 13 14	A No. Q his positive of the	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM t your speculation, right? 12:47:43PM to him about that?  12:47:47PM ver speak to Rogers about 12:47:49PM	1 2 3 4 5 6 7 8 9 10 11 12 13 14	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM know. Q Is there a Civil Service test that's 12:49:26PM required to get that promotion
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	A No. Q his position  GEOR A No. MR. NOVII answer before the MR. GOOD threatened. MR. NOVIII threatened? MR. GOOD A Not physice Q That's just You never spoke A No. Q Did you ever addiso's position	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM ally, but his job. 12:47:42PM t your speculation, right? 12:47:43PM to him about that? 12:47:47PM	24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM know. Q Is there a Civil Service test that's 12:49:26PM required to get that promotion MR. NOVIKOFF: Objection. 12:49:29PM
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A No. Q his position  GEOR A No. MR. NOVII answer before the MR. GOOD threatened. MR. NOVIII threatened? MR. GOOD A Not physice Q That's just You never spoke A No. Q Did you ever spoke A I don't recall that it is a spoke of the spoke o	12:47:30PM  12:47:30PM  Page 170  GE HESSE  12:47:31PM  KOFF: I'm sorry, what was his 12:47:32PM nat last question?  STADT: He thought he was 12:47:36PM  KOFF: Paradiso thought he was 12:47:38PM  STADT: Yes. 12:47:40PM nally, but his job. 12:47:42PM t your speculation, right? 12:47:43PM to him about that?  12:47:47PM The speak to Rogers about 12:47:49PM To with respect to your  11. 12:47:56PM To ulearn of that conversation 12:47:57PM To with Rogers?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Yes. 12:48:56PM  Q Did you ever see the resolution that 12:48:56PM  Page 172  GEORGE HESSE approved your appointment? A I may have. 12:49:02PM Q Was the appointment at the meeting in 12:49:06PM January of '06, was that made to acting deputy chief of police or deputy chief of police? A I think there's some terminology 12:49:15PM problems there, but I've seen it as acting and I've seen it as deputy chief. Q Well, which one was it? 12:49:22PM A To tell you the truth, I don't even 12:49:24PM know. Q Is there a Civil Service test that's 12:49:26PM required to get that promotion MR. NOVIKOFF: Objection. 12:49:29PM BY MR. GOODSTADT: 12:49:31PM Q to deputy chief of police? 12:49:33PM

22

23

24

25

43 (Pages 169 to 172)

12:49:41PM

12:49:40PM

12:49:41PM

12:48:08PM

12:48:06PM

12:48:14PM

22

23

24

25

time?

MR. NOVIKOFF: Objection.

Was there a police liaison at the

Natalie Rogers.

MR. NOVIKOFF: Objection.

Q Do you know whether you can be

MR. CALLAHAN: Same.

There is one.

12:49:42PM

13	145
Page 173	Page 175
1 GEORGE HESSE	1 GEORGE HESSE
2 promoted to chief or deputy chief without first	2 MR. NOVIKOFF: Objection. 12:51:35PM
3 passing the sergeant's test	3 A It may be. I don't know. 12:51:36PM
4 MR. NOVIKOFF: Objection. 12:49:49PM	4 Q Do you know whether a canvass letter 12:51:38PM
5 BY MR. GOODSTADT: 12:49:50PM	5 was distributed to anybody?
6 Q on your Civil Service level? 12:49:50PM	6 MR. NOVIKOFF: Objection. 12:51:42PM
7 MR. NOVIKOFF: Objection. 12:49:52PM	7 A I am unaware. 12:51:42PM
8 A I don't know. 12:49:52PM	8 Q And if you see on Hesse 4, do you see 12:51:45PM
9 Q You don't know one way or the other? 12:49:53PM	9 where the arrow is that says "designation of
10 A I don't know. 12:49:56PM	10 George Hesse''?
MR. GOODSTADT: Mark this. 12:49:58PM	11 A Uh-huh. 12:51:54PM
(Whereupon, Bates document 28 was 12:49:58PM	12 Q Do you see that? 12:51:53PM
marked as Plaintiff's Exhibit 4 for	13 A Yes. 12:51:55PM
14 identification, as of this date.)	14 Q On the second line, it says, "Trustee 12:51:55PM
MR. GOODSTADT: I've placed in front 12:50:26PM	15 Loeffler made motion to designate George Hesse
of Mr. Hesse what's now been marked as	16 as deputy chief of police with all power and
Hesse 4. It's a one-page exhibit bearing	17 authority involved with that position."
18 Bates No. 28. (Handing.)	18 <b>Do you see that?</b> 12:52:05PM
19 BY MR. GOODSTADT: 12:50:34PM	19 A Yes. 12:52:06PM
Q Mr. Hesse, have you ever seen the 12:50:34PM	20 Q Do you know what power and authority 12:52:06PM
21 document that's been marked as Hesse 4?	21 is involved with that position?
22 A Yes. 12:50:38PM	MR. NOVIKOFF: Note my objection. 12:52:13PM
Q And this is the resolution that 12:50:38PM	MR. CALLAHAN: Objection to form also. 12:52:14PM
24 demonstrates that you have been designated as	24 MR. NOVIKOFF: Yeah. 12:52:17PM
25 deputy chief of police.	25 A I would assume that I am in charge of 12:52:17PM
Page 174	Page 176
1 GEORGE HESSE	1 GEORGE HESSE
2 Do you see that? 12:50:46PM	2 all aspects of the police department.
3 A Yes. 12:50:47PM	3 Q And did your role change at all when 12:52:23PM
4 Q So does this refresh your recollection 12:50:51PM	4 you received that promotion?
5 as to whether it was a designation to acting	5 A Slightly. 12:52:28PM
6 versus deputy, just plain deputy chief of	6 MR. NOVIKOFF: Objection. 12:52:29PM
7 police.	7 BY MR. GOODSTADT: 12:52:29PM
8 MR. NOVIKOFF: Objection to form. 12:50:59PM	8 Q What do you mean by slightly? 12:52:29PM
9 A It says deputy. 12:51:00PM	9 A I now had the powers to hire and 12:52:31PM
Q Is that a Civil Service title, deputy 12:51:01PM	10 remove.
11 chief of police?	11 Q Okay. Who did you report to in this 12:52:38PM
MR. NOVIKOFF: Objection. 12:51:05PM	12 position?
13 A Yes. 12:51:05PM	13 A The mayor and the mayor alone. 12:52:40PM
Q Do you know whether this promotion was 12:51:10PM	14 Q Okay. So you got more power in terms 12:52:42PM
15 reported to Civil Service?	15 of the ability to hire and fire. Your reporting
16 A Not that I'm aware of. 12:51:13PM	16 relationship changed too, correct? You were
Q Did you receive a pay increase with 12:51:15PM	17 reporting to Paradiso, and now you're reporting
18 this promotion?	18 only to the mayor?
19 A I don't think so. 12:51:21PM	19 A Yes. 12:52:55PM
Q Do you know whether this promotion was 12:51:23PM	20 Q Any other changes to your duties or 12:52:55PM
21 approved by Civil Service?	21 responsibilities with this promotion?
MR. CALLAHAN: Objection to form. 12:51:28PM	22 A No. 12:53:03PM
23 A I am unaware. 12:51:29PM	Q This position is senior to the 12:53:05PM
Q Is deputy chief of police, is that an 12:51:31PM	24 position of sergeant, correct?
25 open competitive position?	25 A Yes. 12:53:08PM

44 (Pages 173 to 176)

	13	3,146
	Page 177	Page 179
1	GEORGE HESSE	1 GEORGE HESSE
2	Q Did any sergeant replace you? 12:53:08PM	2 Q Did he pass the sergeant's test, 12:55:17PM
3	A No. 12:53:14PM	3 Betenhauser?
4	Q To this day, has anybody replaced you 12:53:14PM	4 MR. NOVIKOFF: Objection. 12:55:22PM
5	in the sergeant role? Is there a sergeant in	5 A Yes. 12:55:22PM
6	the Ocean Beach Police Department?	6 Q How come he only had the position for 12:55:23PM
7	A No. 12:53:20PM	7 six months?
8	Q Has there been one since 12:53:21PM	8 A Because that's all that, I think, 12:55:26PM
9	January 28th of 2006?	9 Civil Service would allow in a part-time
10	A No. 12:53:24PM	10 seasonal position.
11	Q Now that you have since January 20, 12:53:29PM	Q What's the basis of your understanding 12:55:31PM
12	2006, you had the authority to hire and fire,	12 of that?
13	did you need board approval to do that?	13 A That's what I was told. 12:55:34PM
14	A No. 12:53:37PM	14 Q Did there come a point in time when 12:55:38PM
15	Q Did you need approval of anyone to 12:53:41PM	15 Civil Service questioned your role in a
16	hire and fire?	16 supervisory capacity as being outside the title
17	MR. CONNOLLY: Objection. 12:53:43PM	17 of police officer?
18	MR. NOVIKOFF: Yeah, I'm going to 12:53:44PM	18 MR. CALLAHAN: Objection to form. 12:55:48PM
19	object to that one.	19 MR. NOVIKOFF: Yeah, I join in. 12:55:50PM
20	A No. 12:53:47PM	20 A I'm aware of some discrepancies, but I 12:55:54PM
21	Q When you became chief or deputy chief, 12:53:53PM	21 don't know exactly what it was.
22	did your uniform change at all?	Q When did you become aware of that? 12:56:01PM
23	A Yes. 12:54:01PM	23 A I believe a lot of it happened after 12:56:04PM
24	Q How did your uniform change? 12:54:01PM	2 4 March 27th of 2007.
25	A I removed the sergeant stripes and 12:54:03PM	25 Q How did you become aware of it? 12:56:11PM
	Page 178	Page 180
1	GEORGE HESSE	1 GEORGE HESSE
2	instead of a sergeant shield, I wore a chief	2 A I believe I was sitting in an office 12:56:14PM
3	shield and stars on my collar.	3 with Mayor Loeffler and Maryann Minerva in her
4	Q And when did you change your uniform? 12:54:18PM	
5	A Right after this designation. 12:54:24PM	5 told me about some problems with the titles and
6	Q Do you know who an Officer Betenhauser 12:54:33PM	<u>*</u>
7	is?	7 Q What did he tell you? 12:56:29PM
8	A Yes, I do. 12:54:36PM	8 A I really I really don't recall 12:56:36PM
9	Q And what is Officer Betenhauser's 12:54:38PM	9 other than the fact that there was there's a
10	title?	problem with the titles, my supervisory role.
11	A Part-time seasonal police officer. 12:54:42PM	Q What titles are you referring to? 12:56:45PM
12	Q Has that always been his title at 12:54:45PM	12 A Deputy chief. 12:56:47PM
13	Ocean Beach?	Q What problem did he tell you there 12:56:49PM
14	A No. 12:54:47PM	14 was?
15	Q What other titles has Officer 12:54:47PM	15 A That technically, that the village 12:56:52PM
16	Betenhauser held within Ocean Beach?	16 couldn't do what they did.
17	A Betenhauser? 12:54:52PM	Q Okay. Just deputy chief or that 12:57:00PM
18	Q Betenhauser, yes. 12:54:55PM	18 included sergeant promotion as well?
19	A Actually, yes. Thanks for reminding 12:54:57PM	19 MR. NOVIKOFF: Objection. 12:57:04PM
20	me. He was promoted to a sergeant for six	20 A That included that also. 12:57:05PM
21	months.	21 Q And he told you that? 12:57:06PM
22	Q Who promoted him? 12:55:05PM	22 A I don't recall. 12:57:09PM
23	A I believe it was at a trustee's 12:55:07PM	Q Was anything done to rectify the 12:57:10PM
24	meeting, they took a vote on it, but it came	24 problem, the title problem?
25	from Loeffler, Joe Loeffler.	25 MR. NOVIKOFF: Objection. 12:57:14PM

45 (Pages 177 to 180)

	13	147	
	Page 181		Page 183
1	GEORGE HESSE	1	GEORGE HESSE
2	A No. 12:57:15PM	2	MR. NOVIKOFF: Well, then, fine, 12:59:12PM
3	Q Did he ever show you strike that. 12:57:21PM	3	privilege.
4	Who had questioned or who had raised 12:57:24PM	4	MR. GOODSTADT: There may be a certain 12:59:14PM
5	the problem with the village with respect to the	5	attorney-client privilege, which again I'm
6	titles?	6	not sure how appropriate it would be.
7	MR. NOVIKOFF: Who was Mr. Hesse 12:57:31PM	7	BY MR. GOODSTADT: 12:59:17PM
8	advised of as to raising the issue?	8	Q But just going back to the question 12:59:17PM
9	MR. GOODSTADT: Yes. 12:57:37PM	9	MR. GOODSTADT: Could you repeat the 12:59:19PM
10	BY MR. GOODSTADT: 12:57:37PM	10	question?
11	Q Do you know how the village learned of 12:57:37PM	11	(Whereupon, the referred to portion 12:59:21PM
12	this alleged problem?	12	was read back by the court reporter: Did
13	A I believe Civil Service. 12:57:40PM	13	they tell you it was out of title to have
14	Q And what's the basis of that belief? 12:57:42PM	14	the supervisory role?)
15	A I believe that the mayor and maybe 12:57:44PM	15	A Yes, that's the correct terminology. 12:59:34PM
16	even Ken Gray himself went to a meeting with the	16	Q Who told you that? 12:59:37PM
17	county attorney and Civil Service, members of	17	A I believe Joe Loeffler. 12:59:38PM
18	Civil Service.	18	Q Did he tell you anything else about 12:59:42PM
19	Q How did you learn of that meeting? 12:57:58PM	19	the title problem other than for the fact that
20	A I was told. 12:57:59PM	20	your supervisory role was out of title?
21	Q By who? 12:58:00PM	21	A That's all I recall. 12:59:52PM
22	A Joe Loeffler. 12:58:01PM	22	Q Did he show you the letter that came 12:59:53PM
23 24	Q What were you told was discussed at 12:58:02PM that meeting?	24	or any letter that came from Civil Service with respect to this issue?
25	A I don't recall, other than maybe my 12:58:05PM	25	A No. 12:59:59PM
23	A Tubil treeal, other than maybe my 12.56.651 M	23	A 10. 12.37.371 W
	Page 182		Page 184
1	GEORGE HESSE	1	GEORGE HESSE
2	title issue.	2	Q Do you recall you mentioned 12:59:59PM
3	Q Do you know when the meeting was held? 12:58:11PM	3	March 27, 2007 this all came out. Why is that
4	A I don't recall. 12:58:13PM	4	date relevant?
5	Q What was discussed with respect to 12:58:15PM	5	A That's the date that I turned myself 1:00:08PM
6	your title issue? What did they tell you was	6	in to the Suffolk County D.A.'s office for my
7	discussed?	7	indictment.
8	MR. CALLAHAN: Objection to form. 12:58:21PM	8	Q When did you learn you were indicted? 1:00:13PM
9	A Yeah, I don't that there's just a 12:58:23PM	9	A I believe within the week preceding 1:00:19PM
10	problem with the supervisory role that they had	10	March 27th I had received a phone call from my
11	put me in.	11	attorney.
12	Q Did they tell you it was out of title 12:58:35PM	12	Q Okay. And do you believe that the 1:00:26PM
13	to have the supervisory role?	13	issue with respect to the supervisory role being
14	MR. CALLAHAN: Objection. 12:58:42PM	14	out of title was connected with your indictment?
15	MR. NOVIKOFF: Yeah, I just want to 12:58:44PM	15	MR. CALLAHAN: Objection to form. 1:00:36PM
16	caution you, Mr. Hesse, that any	16	MR. NOVIKOFF: Objection. Same. 1:00:37PM
17	conversations that you had with Mr. Gray in	17	MR. CONNOLLY: Same. 1:00:38PM
18	his capacity as a village lawyer, I'm taking	18	A Yes. 1:00:39PM
19	the position as being confidential and	19 20	MR. GOODSTADT: Mark that, please. 1:00:41PM
20 21	attorney-client privileged.  You can question him as to whether or 12:59:00PM	21	(Whereupon, A letter dated January 1:00:42PM 2007 was marked as Plaintiff's Exhibit 5 for
22	not it's appropriate, but	22	identification, as of this date.)
23	MR. GOODSTADT: I'm not sure it may 12:59:06PM	23	MR. GOODSTADT: I've placed in front 1:01:22PM
24	be privileged. I'm not sure about	24	of Mr. Hesse what's been marked as Hesse 5.
25	confidential.	25	It is a one-page letter from Allison Sanchez
2.7	Comfucilitat.	L 2 J	it is a one-page ieuci from Amson Sanchez

46 (Pages 181 to 184)

	Dago 105	148	Daga 107
	Page 185		Page 187
1	GEORGE HESSE	1	GEORGE HESSE
2	to Joseph Loeffler, Mayor, dated	2	Q Okay. And we'll discuss those 1:03:24PM
3	January 4th, 2007. I don't believe it	3 <b>c</b>	discrepancies going forward.
4	contains a Bates number. (Handing.)	4	But did you ever discuss this issue in 1:03:28PM
5	BY MR. GOODSTADT: 1:01:42PM	5 <b>t</b>	this letter, the supervisory capacity being
6	Q Mr. Hesse, have you ever seen the 1:01:43PM	6 0	outside of title with Allison Sanchez?
7	letter marked as Hesse 5?	7	A I don't recall. 1:03:36PM
8	A No. 1:01:49PM	8	Q Now, as of January 4, 2007, your title 1:03:38PM
9	Q So in January of '07 well, strike 1:01:50PM	9 1	within the village or at least the one that you
10	that.	10 h	had been appointed to, was it still deputy chief
11	Do you recall whether this issue 1:01:53PM		or had you been promoted again at some point
12	reflected in this letter, being that your		after that?
13	supervisory capacity is outside of title, being	13	A No. I think it was just always deputy 1:03:53PM
14	raised with you in January of '07?	14 0	chief.
15	A I don't recall. 1:02:06PM	15	Q How about today, what's your title? 1:03:57PM
16	Q So seeing the fact that this letter 1:02:07PM	16	A It's still, I would assume, deputy 1:03:59PM
17	came in January of '07, does that change your		chief.
18	belief that your indictment had something to do	18	Q Have you ever been promoted to chief? 1:04:02PM
19	with it?	19	A Not officially, no. 1:04:04PM
20		20	Q Have you ever held yourself out to be 1:04:05PM
21	A Well, according to the date, correct. 1:02:17PM		
	Q Did you ever speak with strike 1:02:19PM		chief of police?
22	that.	22	A Yes. 1:04:08PM
23	Do you know who Allison Sanchez is? 1:02:22PM	23	Q To the public? 1:04:08PM
24	A Yes, I do. 1:02:24PM	24	A Yes. 1:04:09PM
25	Q Who was that? 1:02:25PM	25	Q People outside of Ocean Beach? 1:04:10PM
	Page 186		Page 188
1		1	
1	GEORGE HESSE	1 2	GEORGE HESSE
2	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM	2	GEORGE HESSE A Yes. 1:04:12PM
2	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.	2	GEORGE HESSE A Yes. 1:04:12PM Q To the State of New York, to 1:04:12PM
2 3 4	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM	2 3 4 r	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?
2 3 4 5	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection	2 3 4 r 5	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM
2 3 4 5 6	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?	2 3 4 r 5	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM
2 3 4 5 6 7	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM	2 3 4 <b>r</b> 5 6 7 <b>S</b>	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police
2 3 4 5 6 7 8	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM	2 3 4 5 6 7 8	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?
2 3 4 5 6 7 8 9	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM	2 3 4 5 6 7 8	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM
2 3 4 5 6 7 8 9	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM A Yes. 1:02:42PM	2 3 4 5 6 7 8 9	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM
2 3 4 5 6 7 8 9 10	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM A Yes. 1:02:42PM  Q How frequently did you speak or 1:02:42PM	2 3 4 5 6 7 8 9 10	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM  A The village gave me the designation as 1:04:30PM
2 3 4 5 6 7 8 9 10 11	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM A Yes. 1:02:42PM  Q How frequently did you speak or 1:02:42PM communicate with her starting in 2005 strike	2 3 4 5 6 7 8 9 10 11 12	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM  A The village gave me the designation as 1:04:30PM deputy chief, therefore I'm a chief.
2 3 4 5 6 7 8 9 10 11 12	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM  MR. CALLAHAN: Same. 1:02:41PM  MR. CONNOLLY: Same. 1:02:41PM  A Yes. 1:02:42PM  Q How frequently did you speak or 1:02:42PM communicate with her starting in 2005 strike that starting in January 2006, when you	2 3 4 5 6 7 8 9 10 11 12 6	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM A The village gave me the designation as 1:04:30PM deputy chief, therefore I'm a chief.  Q There's no difference between deputy 1:04:36PM
2 3 4 5 6 7 8 9 10 11 12 13 14	GEORGE HESSE  A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM A Yes. 1:02:42PM  Q How frequently did you speak or 1:02:42PM communicate with her starting in 2005 strike that starting in January 2006, when you received the deputy chief position?	2 3 4 5 6 7 8 9 10 11 12 6 13 14	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM  A The village gave me the designation as 1:04:30PM deputy chief, therefore I'm a chief.  Q There's no difference between deputy 1:04:36PM chief and chief of police?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A She was the, I guess, account manager 1:02:25PM in Civil Service that handled Ocean Beach.  Q Did you deal with her regularly with 1:02:31PM respect to Civil Service matters in connection with Ocean Beach?  MR. NOVIKOFF: Objection to form. 1:02:39PM MR. CALLAHAN: Same. 1:02:41PM MR. CONNOLLY: Same. 1:02:41PM A Yes. 1:02:42PM  Q How frequently did you speak or 1:02:42PM communicate with her starting in 2005 strike that starting in January 2006, when you received the deputy chief position?  MR. CALLAHAN: Objection to form. 1:02:57PM	2 3 4 5 6 7 8 9 10 11 12 13 14 15	GEORGE HESSE  A Yes. 1:04:12PM  Q To the State of New York, to 1:04:12PM registries?  A Yes. 1:04:14PM  Q Why would you hold yourself out to the 1:04:19PM State of New York registries as chief of police when that's not your title?  MR. CONNOLLY: Objection to the form. 1:04:25PM You can answer. 1:04:27PM  A The village gave me the designation as 1:04:30PM deputy chief, therefore I'm a chief.  Q There's no difference between deputy 1:04:36PM chief and chief of police?  MR. NOVIKOFF: Objection to form. 1:04:41PM
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47 (Pages 185 to 188)

		149
	Page 189	Page 191
1	GEORGE HESSE	1 GEORGE HESSE
2	MR. NOVIKOFF: Objection to form. 1:04:58PM	2 Q Do you know whether Civil Service has 1:06:26PM
3	MR. CONNOLLY: Join. 1:05:00PM	3 approved the continuation of your supervisory
4	A Everybody calls me the chief. 1:05:01PM	4 capacity being outside of title?
5	Q So just going back to my question 1:05:04PM	5 MR. CALLAHAN: Objection to form. 1:06:39PM
6	before. Have you ever spoken with Allison	6 A Unaware. 1:06:40PM
7	Sanchez about this issue?	7 Q You don't know one way or the other? 1:06:40PM
8	MR. CALLAHAN: Objection to form. 1:05:11PM	8 A No. 1:06:40PM
9	MR. CONNOLLY: We're referring to the 1:05:12PM	9 Q Have you ever spoken to anyone in 1:06:41PM
10	out-of-title issue?	10 Civil Service about that issue?
11	MR. GOODSTADT: Yeah, the out-of-title 1:05:14PM	11 A No. 1:06:45PM
12	issue that's reflected in Hesse 5.	12 Q Just to be clear. It's your 1:06:55PM
13	A I don't recall. 1:05:17PM	13 understanding that subsequent to January 2006,
14	Q Have you ever had any communication 1:05:18PM	when you were designated deputy chief of police,
15	with her about the out-of-title issue?	that you haven't been designated in any other
16	MR. CALLAHAN: As in 5? 1:05:24PM	16 title by the board; is that correct?
		· · · · · · · · · · · · · · · · · · ·
17	MR. GOODSTADT: As in 5, yeah. 1:05:25PM  A With me? Pertaining to 1:05:27PM	17 A My employment status had changed as of 1:07:08PM 18 March 27th, 2007.
18		· ·
19	Q With respect to your supervisory 1:05:29PM	19 Q What did that change to? 1:07:15PM
20	capacity being outside of your title?	20 A I was put on modified duty. 1:07:16PM
21	A I don't recall. 1:05:34PM	21 Q By who? 1:07:19PM
22	Q Do you still have your supervisory 1:05:35PM	A I believe I received a letter from the 1:07:22PM
23	capacity?	23 village, the village board, maybe Mayor Loeffler
24	A Yes. 1:05:38PM	24 himself.
25	Q So has anything ever been done to 1:05:39PM	25 Q And what did the modified duty change 1:07:31PM
	Page 190	Page 192
1		-
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE correct the problem that they're raising in	1 GEORGE HESSE 2 with respect to your position at Ocean Beach?
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48 (Pages 189 to 192)

	13	3150
	Page 193	Page 195
1	GEORGE HESSE	1 GEORGE HESSE
2	in, Mills, Clemmons, and Zois was promoted to	2 Q And what computer did you make the 1:10:46PM
3	full-time.	3 change on?
4	Q And other than for those two 1:08:51PM	4 A I don't know. 1:10:50PM
5	occasions, did you put your uniform on at all	5 Q Was it in your office? 1:10:51PM
6	during the modified duty period?	6 A Well, it's a shared office. 1:10:53PM
7	A I don't recall if I did for any other 1:08:57PM	7 Q But it wasn't a computer at home, it 1:10:55PM
8	reason.	8 was one within the police department?
9	Q Did your title change during that 1:09:00PM	9 A Correct. 1:11:00PM
10	period?	10 Q How many computers are in the office? 1:11:01PM
11	A No. 1:09:03PM	11 A Three. 1:11:02PM
12	Q Did Loeffler take over any of your 1:09:05PM	12 Q Do you have one on your desk? 1:11:03PM
13	duties?	13 A Yes. 1:11:04PM
14	A No. 1:09:10PM	14 Q Where are the other two located? 1:11:05PM
15	Q Do you still hold yourself out as 1:09:35PM	15 A One is at the front desk and one is on 1:11:07PM
16	chief of police during the modified duty period?	16 the back desk.
17	A Yes. 1:09:41PM	17 Q Do other officers have authority or 1:11:15PM
18		
19	Q And the village of Ocean Beach Police 1:09:43PM Department, the letterhead, that identifies you	19 MR. NOVIKOFF: Objection. 1:11:20PM
20	as chief of police?	20 BY MR. GOODSTADT: 1:11:21PM
21	•	
	A No. It just says police department 1:09:55PM	Q The one that's on your desk? 1:11:21PM
22	now under my name.	MR. NOVIKOFF: Compound. 1:11:24PM
23	Q Did it ever identify you as chief of 1:09:57PM	23 A Sometimes. 1:11:24PM
24	police?	24 Q Do they have to ask you first? 1:11:25PM
25	A Yes. 1:10:00PM	25 A Yes. 1:11:27PM
	Page 194	4 Page 196
1	GEORGE HESSE	1 GEORGE HESSE
2	Q And who created that letterhead? 1:10:00PM	2 Q Did you ever search that computer for 1:11:34PM
3	A I did. 1:10:02PM	3 documents that may be relevant to this
4	Q Did anyone approve it? 1:10:02PM	4 litigation?
5	A No. 1:10:04PM	5 MR. NOVIKOFF: Objection to the form. 1:11:43PM
6	Q And you sent letters out on that 1:10:04PM	6 MR. CONNOLLY: Same objection. 1:11:44PM
7	letterhead outside of Ocean Beach?	7 MR. NOVIKOFF: Are you asking him to 1:11:46PM
8	A Yes. 1:10:08PM	8 form a legal conclusion as to what may be
9	Q And why is it changed now to police 1:10:09PM	9 relevant?
10	department as opposed to chief of police?	10 BY MR. GOODSTADT: 1:11:51PM
11	A Well, I was advised by Mayor Loeffler 1:10:15PM	11 Q Did you ever search the computer in 1:11:51PM
12	that maybe I should take that off.	12 connection with this case?
13	Q Did he tell you why you should take 1:10:19PM	13 A I may have. 1:11:55PM
14	that off?	14 Q You don't recall one way or the other? 1:11:57PM
15	A Because I'm working out of class. 1:10:22PM	15 A No. 1:11:59PM
16	Q When did he tell you that? 1:10:22PM	16 Q Do you know whether anybody searched 1:11:59PM
17		17 your computer to see if there were documents
18		
	Q When did you change the letterhead? 1:10:29PM A I don't recall. 1:10:32PM	
19		19 A No. 1:12:04PM
20	Q Is there anything that would refresh 1:10:35PM	20 MR. NOVIKOFF: Objection. 1:12:05PM
21	your recollection? Do you have a date on your	21 A No. 1:12:06PM
22	computer that you actually changed it?	Q Did anyone ever ask you to search your 1:12:07PM
23	A No. 1:10:42PM	23 computer?
24	Q Did you physically make the change? 1:10:43PM	
25	A Yes. 1:10:45PM	25 lawsuit?

49 (Pages 193 to 196)

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	3151
Page 197	7 Page 199
1 GEORGE HESSE	1 GEORGE HESSE
2 MR. GOODSTADT: In connection with 1:12:13PM	2 addresses from a home computer?
3 this matter, yeah.	3 A Just the OBPD103. It's a personal 1:14:02PM
4 MR. NOVIKOFF: Sure. 1:12:15PM	4 account.
5 A No. 1:12:16PM	5 Q Did you ever use any other personal 1:14:11PM
6 Q Did you ever search your E-mail in 1:12:28PM	6 E-mail addresses?
7 connection with this matter?	7 A Sure. 1:14:15PM
8 A I don't believe so. 1:12:34PM	8 Q Which ones? 1:14:15PM
9 Q Anyone ever ask you to search your 1:12:34PM	9 A I have one that it's 1:14:17PM
E-mail in connection with this matter?	10 BeachCop03@aol.com.
11 A No. 1:12:38PM	11 Q Any others? 1:14:28PM
MR. CONNOLLY: We're talking about his 1:12:39PM	12 A I have BeachCop03@yahoo.com. 1:14:30PM
work E-mail, correct?	13 <b>Q</b> Any others? 1:14:40PM
14 BY MR. GOODSTADT: 1:12:41PM	14 A Yeah. I had something for an 1:14:42PM
Q Well, what's your work E-mail address? 1:12:42PM	
16 A OBPD@villageofOceanBeach.org. 1:12:47PM	16 Q Does that stand for I love Fire 1:15:03PM
17 Q How long did you have that E-mail 1:12:53PM	17 Island?
18 address?	18 A Yes. 1:15:07PM
19 A You know, I don't know. I don't 1:12:56PM	19 Q And what is the 159? 1:15:08PM
20 recall.	20 A I don't know. I just made up a 1:15:09PM 21 number.
Q Did you have an E-mail address for 1:13:00PM work prior to OBPD@villageofOceanBeach.org?	
work prior to OBPD@villageofOceanBeach.org?  A I had one that I used, yes. 1:13:10PM	Q Does anyone have a shield 159 at Ocean 1:15:11PM 23 Beach?
24 <b>Q</b> What was that E-mail address? 1:13:10PM	24 A No. 1:15:15PM
25 A That was OBPD103@aol.com. 1:13:11PM	25 Q Any other E-mail addresses that you've 1:15:15PM
Page 198	
1 GEORGE HESSE	1 GEORGE HESSE
Q And when did you have that E-mail 1:13:17PM	2 used in the last 10 years, personal E-mail
address? What was the file period?	3 addresses?
4 A Probably from it's possible from 1:13:21PM	4 A I don't recall. 1:15:21PM
5 '95, when I got promoted. That's was shield	5 Q Did you search the BeachCop03@aol 1:15:21PM 6 E-mail address in connection with this case?
6 number, 103. Until the present.	6 E-mail address in connection with this case? 7 A No. 1:15:28PM
7 <b>Q Oh, so you still use that? 1:13:33PM</b> 8 A Yes. 1:13:34PM	
8 A Yes. 1:13:34PM 9 Q And you use the other one, too, 1:13:34PM	8 Q Did you search the 1:15:28PM 9 BeachCop03@yahoo.com in connection with this
OBPD@villageofOceanBeach.org?	10 matter?
11 A Yes. 1:13:43PM	11 A No. 1:15:34PM
12 Q Did you search the OBPD103@aol 1:13:43PM	12 Q Did you search the ILUVFI159@yahoo.com 1:15:34PM
13 account	13 E-mail address in connection with this matter?
14 A No. 1:13:45PM	14 A No. 1:15:43PM
Q in connection with this case? 1:13:45PM	Q Did anyone ask you to search those 1:15:43PM
16 A No. 1:13:47PM	16 three E-mail accounts?
Q Did you search the 1:13:47PM	17 A No. 1:15:47PM
18 OBPD@villageofOceanBeach.org E-mail in	18 MR. GOODSTADT: It's a good time to 1:16:01PM
19 connection with this matter?	19 take a break.
20 A I don't believe so. 1:13:52PM	20 THE VIDEOGRAPHER: That is the end of 1:16:04PM
Q Do you know if anyone did? 1:13:52PM	21 Tape No. 2. The time is now 1:16 p.m.
22 A No, I don't know. 1:13:54PM	We are now off the record. 1:16:08PM
Q Do you use either of those 1:13:56PM	23 (Whereupon, a discussion was held off 1:16:09PM
passwords from a home computer strike that.	24 the record.)
Do you use either of those E-mail 1:14:00PM	25 THE VIDEOGRAPHER: This is the start 2:04:42PM

50 (Pages 197 to 200)

	13	البا
	Page 201	Page 203
1	GEORGE HESSE	1 GEORGE HESSE
2	ever Tape No. 3.	2 MR. NOVIKOFF: Well, like I said, it's 2:07:14PM
3	The time is now 2:06 p.m. We are now 2:05:50PM	3 not my witness. I can't say anything.
4	back on the record.	4 MR. CONNOLLY: In terms of the 2:07:18PM
5	BY MR. GOODSTADT: 2:05:54PM	5 complaint?
6	Q Mr. Hesse, prior to us breaking for 2:05:55PM	6 MR. GOODSTADT: In terms of the 2:07:21PM
7	lunch, we discussed a Sergeant Betenhause.	7 complaint.
8	Do you remember that? 2:06:02PM	8 MR. CONNOLLY: On duty? 2:07:22PM
9	A Betenhauser, yes. 2:06:04PM	9 MR. GOODSTADT: There are several 2:07:25PM
10	Q Betenhauser. 2:06:05PM	10 allegations with respect to that, yes.
11	And you indicated that he passed the 2:06:05PM	MR. CONNOLLY: As to why don't you 2:07:29PM
12	sergeant's test; is that correct?	12 ask him the allegation, you know, as
13	A Yes. 2:06:10PM	13 contained in the complaint.
14	Q Did he pass the Suffolk County 2:06:10PM	14 MR. GOODSTADT: Well, because I'm 2:07:38PM
15	sergeant's test or New York City sergeant's	15 going to work my way to that. As
16	test?	16 Mr. Novikoff likes to do, set a foundation.
17	MR. NOVIKOFF: Objection. 2:06:16PM	17 Then I'll have an objection on foundation
18	A New York City. 2:06:16PM	18 grounds now.
19	Q Do you know whether that satisfies the 2:06:17PM	19 MR. NOVIKOFF: Well, you could ask 2:07:51PM
20	requirement to pass the test to be a sergeant in	20 him well, first of all, I'm staying out
21	Suffolk County?	21 of this.
22	MR. CALLAHAN: Objection to form. 2:06:21PM	You're not my witness. I would never 2:07:55PM
23	MR. NOVIKOFF: Objection. 2:06:22PM	let you answer it, but it's not for me to
24	A I don't know. 2:06:23PM	24 make that decision.
25	Q So you don't know one way or the 2:06:24PM	MR. CONNOLLY: Why don't we do it this 2:08:03PM
	Page 202	Page 204
1	GEORGE HESSE	1 GEORGE HESSE
2	other?	2 way. I'm going to object. It's something
3	A No. 2:06:26PM	3 we can bring up to the judge when we bring
4	Q I believe you testified that your 2:06:34PM	4 up other items. Why don't we continue.
5	wife's name is Sharon, did you say?	5 He's coming back. You'll have an
6	A Shannon. 2:06:38PM	6 opportunity.
7	Q I apologize for that. Shannon. 2:06:38PM	7 MR. NOVIKOFF: And we do have an 2:08:17PM
8	How long have you been married? 2:06:40PM	8 appearance now on June 11th.
9	A A little over 13 years. 2:06:41PM	9 MR. GOODSTADT: Right. I saw that. I 2:08:21PM
10	Q Is she your first wife? 2:06:45PM	10 saw that.
11	A Yes. 2:06:46PM	11 So you're instructing him not to 2:08:23PM
12	Q Have you ever cheated on her? 2:06:49PM	12 answer pending a
13	MR. CONNOLLY: Objection. 2:06:52PM	13 MR. CONNOLLY: Guidance from the 2:08:26PM
14	MR. NOVIKOFF: Whoa. Whoa. 2:06:53PM	14 court.
15	MR. GOODSTADT: It's part of the 2:06:56PM	15 MR. GOODSTADT: Guidance from the 2:08:28PM
16	allegations in the case. You know it is.	16 court?
1	MR. NOVIKOFF: Well, just because you 2:06:58PM	17 MR. CONNOLLY: I mean, we do have a 2:08:29PM
17	allege it in the case doesn't make it	18 lot of get through here.
17 18	-	19 MR. GOODSTADT: I understand. I 2:08:38PM
	relevant. But he's not my witness, so I	
18	can't tell him not to answer or not.	20 certainly understand that. I'm just trying
18 19	can't tell him not to answer or not.	20 certainly understand that. I'm just trying 21 to figure out if we want to get on the phone
18 19 20	•	21 to figure out if we want to get on the phone
18 19 20 21	can't tell him not to answer or not.  MR. CONNOLLY: Objection. Do you want 2:07:05PM	21 to figure out if we want to get on the phone
18 19 20 21 22	can't tell him not to answer or not.  MR. CONNOLLY: Objection. Do you want 2:07:05PM to objection.	to figure out if we want to get on the phone with the court right now. I think it's

51 (Pages 201 to 204)

		153.	1 fled 01/13/10 1 age 32 of 2301 age b #.
	Page 205		Page 207
1	GEORGE HESSE	1	GEORGE HESSE
2	line of questioning, I'm sure, is a portion	2	A I never posted anything that I recall 2:11:11PM
3	of a much further line of questioning that	3	other than joining the group.
4	we could segregate and address at a later	4	Q You don't recall posting any messages 2:11:18PM
5	time if need be.	5	on that site?
6	MR. GOODSTADT: Let me just ask him 2:09:01PM	6	A I don't recall. 2:11:21PM
7	questions, and then we'll figure out if I	7	Q Okay. How about any AOL social groups 2:11:21PM
8	need to get back to that question.	8	or networking groups?
9	MR. NOVIKOFF: Okay. Okay. 2:09:06PM	9	A I don't know if AOL has any social 2:11:30PM
10	BY MR. GOODSTADT: 2:09:13PM	10	networking groups. It's a it's just a user
11	Q Mr. Hesse, have you ever posted on any 2:09:14PM	11	site. They have chat rooms and stuff like that.
12	social networking sites?	12	Q What was the user name you used on 2:11:40PM
13	A Yes. 2:09:19PM	13	Adult Friend Finder?
14	Q Okay. Which ones? 2:09:20PM	14	A You know, I don't recall. 2:11:45PM
15	A Adult Friend Finder. Ashley 2:09:23PM	15 16	Q What E-mail address did you use? 2:11:48PM A BeachCop03. 2:11:51PM
16 17	Madison.com. And I don't recall, there may have been others. You know what, there is one more.	17	MR. NOVIKOFF: BeachCop what? 2:11:55PM
18	Loveinuniform.com.	18	THE WITNESS: BeachCop03. 2:11:57PM
19	Q L-O-V-E-I-N-U-N-I-F-O-R-M? 2:09:53PM	19	BY MR. GOODSTADT: 2:11:59PM
20	A Spell it again. 2:09:59PM	20	Q @aol.com? 2:11:59PM
21	Q L-O-V-E-I-N-U-N-I-F-O-R-M.com? 2:10:00PM	21	A Yes. 2:12:01PM
22	A That sounds right. 2:10:06PM	22	Q What name did you use on 2:12:02PM
23	Q Any others? 2:10:07PM	23	AshleySabrina.com?
24	MR. CONNOLLY: Just note my continuing 2:10:08PM	24	A It wasn't Ashley Sabrina. 2:12:09PM
25	objection to this line of questioning.	25	Q Oh, it wasn't? Ashley Madison. I 2:12:12PM
	Page 206		Page 208
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. GOODSTADT: Sure. 2:10:11PM	2	apologize for that.
3	A Not that I recall. I don't know. 2:10:11PM	3	What user name did you use on that? 2:12:19PM
4	Q Did you post on a site called I 2:10:13PM	4	A It might be Copper103. 2:12:24PM
5	don't know how to pronounce it. It's spelled	5	Q C-O-P-P-E-R 103? 2:12:28PM
6	M-I-G-E-N-T-E.com?	6	A Yes. 2:12:30PM
7	A What is it? 2:10:20PM	7	Q And what E-mail address did you use? 2:12:31PM
8	Q Migente, M-I-G-E-N-T-E.com? 2:10:23PM	8	A BeachCop103. 2:12:33PM
9	A Yes, actually I did for a short period 2:10:26PM	9	Q What user name did you use on 2:12:36PM
10	of time.	10	loveinuniform.com?
11	Q How about on a website called 2:10:31PM	11	A That is, I believe BeachCopp with two 2:12:43PM
12	Fubar.com, F-U-B-A-R?	12	Ps at the end.
13	A Yes. 2:10:36PM	13	Q What E-mail address did you use? 2:12:48PM
14	Q How about on any Yahoo age-restricted 2:10:39PM	14	A BeachCop03@aol.com. 2:12:50PM
15	groups?	15	MR. CONNOLLY: Andrew, I'm going to 2:12:58PM
16	MR. CONNOLLY: Objection. 2:10:47PM	16	cut this off at this point.
17	MR. NOVIKOFF: Yeah, I don't know what 2:10:48PM	17	MR. GOODSTADT: How come? 2:13:01PM
18	that means.	18	MR. CONNOLLY: Where are you going 2:13:03PM
19	BY MR. GOODSTADT: 2:10:50PM	19	with it? There are allegations contained in
20	Q A Solena_party Yahoo group, do you 2:10:50PM	20	the complaint regarding chauffeuring my
21	recall posting on that? S-O-L-E-N-A_party.	21	client around.  MR. GOODSTADT: Veels to different 2:12:12PM
22	A It's not a post. It's a group. 2:11:03PM  Q Have you ever posted on that site? 2:11:05PM	22	MR. GOODSTADT: Yeah, to different 2:13:12PM sexual escapades, right. I'm setting a
24	Q Have you ever posted on that site? 2:11:05PM A No. 2:11:07PM	24	foundation that he's engaged in sexual
25	Q Sure about that? 2:11:08PM	25	escapades. It certainly leads a lot of
	2 Date about that: 2:11:001 1/1	1 - 7	10 of the committy is a second of the contract

52 (Pages 205 to 208)

1:	3154
Page 209	Page 211
1 GEORGE HESSE	1 GEORGE HESSE
2 credibility toward the allegations, correct?	2 Q How many times? 2:15:24PM
3 You have to	3 A Oh, I don't know. 2:15:26PM
4 MR. CONNOLLY: Why don't you ask him 2:13:28PM	4 Q What years? 2:15:26PM
5 questions limited to the complaint; and if	5 A I don't know. 2:15:28PM
you need to, we'll bring this before the	6 Q Do you know when it started that you 2:15:29PM
7 court.	7 first started checking E-mails at the police
8 MR. GOODSTADT: Well, let me just go 2:13:36PM	8 station on any of these social network websites?
9 back.	9 A When it started, no. 2:15:36PM
MR. NOVIKOFF: My only comment would 2:13:39PM	10 Q You don't recall what year? 2:15:38PM
be that to the extent it's even relevant,	11 A No. 2:15:40PM
it's certainly not relevant after the date	Q Do you still check E-mails from any of 2:15:42PM
that these officers were either not rehired	13 these websites?
or fired, however we term that date to be.	14 A Yes. 2:15:45PM
But like I said, that's my only comment.	15 <b>Q Which ones? 2:15:45PM</b>
1 6 BY MR. GOODSTADT: 2:13:56PM	16 A Ashley Madison and the loveinuniform 2:15:48PM
Q Well, did you ever post on any of 2:13:57PM	17 and Fubar.
18 these social network sites from the police	18 MR. CONNOLLY: Objection to any 2:16:01PM
19 station computers?	19 questioning since April 2nd, 2006 in this
20 A I've checked E-mails. 2:14:03PM	20 regard.
Q Did you ever post any pictures of 2:14:07PM	MR. GOODSTADT: The objection, I don't 2:16:08PM
yourself on these sites?	22 think it's a relevance is not a basis to
23 A Yes. 2:14:10PM	23 instruct the witness not to answer, you
24 <b>Q In uniform? 2:14:10PM</b>	24 know. We're more than willing to have your
25 A Yes. 2:14:11PM	25 objection on the record. We can bring it up
Page 210	Page 212
1 GEORGE HESSE	1 GEORGE HESSE
2 Q In the Ocean Beach police uniform? 2:14:11PM	2 to the court when we raise all these other
3 A Yes. 2:14:13PM	3 issues.
4 Q Did you notify anybody in the beach 2:14:20PM	4 MR. CONNOLLY: It will be brought up 2:16:24PM
5 that you were posting pictures of yourself on	5 to the court.
6 these social websites in uniform?	6 MR. GOODSTADT: Right. Okay. 2:16:26PM
7 MR. NOVIKOFF: Note my objection to 2:14:27PM	,
8 that question.	8 this. I just want to ask him what E-mail
9 MR. CONNOLLY: Objection also. 2:14:28PM	9 addresses he used, and then I'll suspend
10 A Did I I don't understand the 2:14:31PM	10 other questions on this pending our
11 question.	discussion with the court. I just want on
Q Did you notify anyone at the beach, 2:14:32PM	the record what E-mail address were used, if
the mayor, the board, Chief Paradiso when he was	13 that's all right with you.
14 there?	14 MR. CONNOLLY: Why don't we just refer 2:17:09PM
15 A No. 2:14:38PM	15 the questions to the court and move on.
16 Q Do you know if there are any rules 2:14:41PM	16 We're coming back on the 16th. It's not
17 regarding pictures of yourself in a uniform	17 your only shot at the apple.
18 anywhere or posing in a uniform for anything?	18 MR. GOODSTADT: I know. Why don't you 2:17:27PM
19 A Are there rules? 2:14:52PM	just give me a minute off the record just to
Q Are there any rules? 2:14:54PM	20 think about it and see how it plays into the
A Not that I'm aware of. 2:14:55PM	21 next set of questions.
Q Did you ever send or respond to any 2:14:57PM	22 THE VIDEOGRAPHER: The time is 2:17:39PM
E-mails that you checked from the Ocean Beach	23 2:17 p.m. We are now off the record.
24 police computer?	24 (Whereupon, a discussion was held off 2:17:43PM
25 A Yes. 2:15:23PM	25 the record.)

53 (Pages 209 to 212)

	<u>13</u>	155	
	Page 213		Page 215
1	GEORGE HESSE	1	GEORGE HESSE
2	THE VIDEOGRAPHER: The time is now 2:28:13PM	2	privacy settings in Facebook in your posting?
3	2:28 p.m. We are now back on the record.	3	A Yes. 2:30:00PM
4	MR. GOODSTADT: Okay. Before we took 2:28:18PM	4	Q What did you change your privacy 2:30:00PM
5	that break, Mr. Connolly and I conferred off	5	settings to?
6	the record and decided that on this subject	6	A From public to private. 2:30:03PM
7	I was going to ask just a limited number of	7	Q And did you ever post on My Space? 2:30:14PM
8	questions that we've agreed to, and it's	8	A Yes. 2:30:16PM
9	going to be certain topics that will be	9	Q Did you ever change your privacy 2:30:17PM
10	subject to further discussion with the	10	settings on myspace.com?
11	court.	11	A I don't know if they had a way that 2:30:23PM
12	Is that acceptable, Mr. Connolly? 2:28:36PM	12	you can do that. I'm not sure.
13	MR. CONNOLLY: That's acceptable. 2:28:38PM	13	Q What did you do, if anything, to 2:30:42PM
14	BY MR. GOODSTADT: 2:28:39PM	14	prepare for today's deposition?
15	Q Now, Mr. Hesse, have you ever met any 2:28:39PM	15	A I met with my attorney on Monday and 2:30:47PM
16	of the people that you've posted with or	16	Tuesday.
17	E-mailed with on any social network site in	17	Q When you say your attorney, who are 2:30:50PM
18	person?	18	you referring to?
19	A Yes. 2:28:51PM	19	A Mr. Connolly. 2:30:57PM
20	MR. NOVIKOFF: Objection. 2:28:52PM	20	Q And where did you meet with him? 2:30:58PM
21	MR. CONNOLLY: Continuing objection. 2:28:53PM	21	A In Westchester, at his office. 2:31:00PM
22	BY MR. GOODSTADT: 2:28:54PM	22	Q Who was present at the meeting? 2:31:03PM
23	Q And did you ever meet with any of 2:28:55PM	23	A Just he and I. 2:31:05PM
24	those people that you've E-mailed with or posted	24	Q How long did you meet with him? 2:31:08PM
25	with on these social network sites on Fire	25	Without telling me anything that you said to him
	Page 214		Page 216
1	GEORGE HESSE	1	GEORGE HESSE
2	Island?	2	or he said to you, how long did you meet with
3	A No. 2:29:06PM	3	him on each of those days?
4	Q So it was off of Fire Island? 2:29:14PM	4	MR. CONNOLLY: Exclusive of lunch, 2:31:17PM
5	A Yes. 2:29:16PM	5	breaks?
6	MR. NOVIKOFF: Objection. 2:29:17PM	6	MR. GOODSTADT: Yeah. Just meeting 2:31:21PM
7	MR. CONNOLLY: Objection. 2:29:18PM	7	time. Either inclusive or exclusive.
8	MR. NOVIKOFF: If it's not on. 2:29:20PM	8	A On Monday, I arrived at 9:30, and at 2:31:26PM
9	MR. GOODSTADT: I just want to make 2:29:21PM	9	some point we took lunch, and I believe I left
10	sure.	10	somewhere around 5:00.
11	BY MR. GOODSTADT: 2:29:24PM	11	Q How about Tuesday? 2:31:36PM
12	Q And the pictures that you posted on 2:29:27PM	12	A Tuesday I arrived at 9:30, and I 2:31:37PM
13	these sites, did you ever post them from the	13	believe I left at 4:00.
14	police station computer? I just want to know	14	Q Were you on the clock at the beach at 2:31:48PM
15	physically where you uploaded them from.	15	the time?
16	MR. CONNOLLY: Objection. 2:29:37PM	16	A Yes. 2:31:50PM
17	A I may have. 2:29:39PM	17	Q So you got paid for that those two 2:31:51PM
18	Q Okay. 2:29:40PM	18	days?
19	MR. GOODSTADT: And again, the rest of 2:29:43PM	19	A Yes. 2:31:53PM
20	the questions will just be subject to motion	20	Q Are you on the clock today for the 2:31:54PM
21	or discussion with the court.	21	beach?
22	BY MR. GOODSTADT: 2:29:52PM	22	A Yes. 2:31:56PM
23	Q Have you ever posted on Facebook? 2:29:53PM	23	Q So you're getting paid for today as 2:31:56PM
24	A Yes. Yes. 2:29:55PM	24	well?
25	Q Did you ever change any of your 2:29:55PM	25	A Yes. 2:31:58PM

54 (Pages 213 to 216)

13	3156
Page 217	Page 219
1 GEORGE HESSE	1 GEORGE HESSE
2 Q And again, don't tell me anything that 2:32:04PM	
	3 Q What did Bacon say when you told him 2:34:20PM
you said to your attorney or your attorney said	4 you were coming in for the deposition?
4 to you. But did you review any documents in	5 A Good luck. 2:34:25PM
5 preparation for today's deposition?	6 Q Did you discuss the substance of the 2:34:26PM
6 A Yes. 2:32:13PM	7 claims at all with Bacon?
7 Q Did any of those documents refresh 2:32:14PM	8 A No. 2:34:29PM
8 your recollection as to any of the facts or	9 Q Did you ever discuss with Bacon 2:34:29PM
9 events that happened or that are alleged to have	anything about his deposition that was taken in
10 happened in this case?	11 this case?
11 A No. 2:32:27PM	12 A Just the fact that he had come and was 2:34:=
Q Did you speak with well, strike 2:32:36PM	34PM
13 <b>that.</b>	13 deposed.
14 Have you ever other than for today, 2:32:39PM	14 Q Do you recall what he said about that? 2:34:37PM
sitting in this room, have you ever spoken to	15 A No. 2:34:41PM
16 any lawyers from Rivkin Radler in connection	16 Q So you don't recall anything 2:34:46PM
17 with this matter?	17 substantive about what he said other than for
MR. NOVIKOFF: Objection. Asked and 2:32:48PM	the fact that he was deposed?
19 answered.	19 A No substance. 2:34:52PM
20 A No. 2:32:49PM	20 Q Did you ever review his transcript or 2:34:53PM
Q Did you speak with anybody any 2:32:52PM	21 any excerpts of his transcript from this
current or former Ocean Beach employees in	22 deposition?
preparation for today's deposition?	23 A No. 2:34:59PM
24 A No. 2:33:00PM	Q And when you told Pat Cherry that you 2:34:59PM
Q Did you tell anybody at the beach that 2:33:03PM	
Page 218	
_	
1 GEORGE HESSE	1 GEORGE HESSE
you were coming today for the deposition?	2 conversation?
3 A Yes. 2:33:06PM	3 A Good luck. 2:35:04PM
4 Q Who did you tell? 2:33:07PM	4 Q Anything else? 2:35:05PM
5 A Ty Bacon, John Pat Cherry, Pat 2:33:10PM	5 A No. 2:35:06PM
6 Cherry, Jr., Joe Dediminico, Billy Bambrick,	6 Q Did you discuss the substance of the 2:35:06PM
7 Hank Clemmons, Michael Mills, John Zois. It's	7 claims or allegations in this case with him?
8 possible a few other.	8 A No. 2:35:11PM
9 Q Did you tell Joe Loeffler? 2:33:43PM	9 Q Did you ever discuss with Pat Cherry 2:35:11PM
10 A I told him I was scheduled for today, 2:33:47PM	10 anything about his deposition that was taken in
11 yes.	11 this case?
Q Did you discuss anything else with him 2:33:55PM	12 A No. 2:35:17PM
about this case in that conversation	Q Did he tell you that he was coming for 2:35:19PM
14 A No. 2:33:59PM	14 a deposition?
Q other than the fact that you were 2:33:59PM	15 A Yes. 2:35:21PM
16 scheduled to come for a deposition?	16 Q Did you speak to him after his 2:35:22PM
17 A No. 2:34:03PM	17 deposition?
18 Q How did you tell the other people, 2:34:04PM	18 A Yes. 2:35:24PM
19 Bacon, Cherry, Cherry junior, Dediminico, et	19 Q About the deposition? 2:35:24PM
20 cetera? Did you tell them verbally or did you	20 A Yes. 2:35:25PM
send out an E-mail or a letter or memo or some	Q And what did he say about it? 2:35:25PM
	-
22 other way?	22 A He said it went all right. 2:35:27PM
22 <b>other way?</b> 23 A Verbal. 2:34:16PM	22 A He said it went all right. 2:35:27PM 23 O Anything else? 2:35:29PM
23 A Verbal. 2:34:16PM	23 <b>Q Anything else? 2:35:29PM</b>
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55 (Pages 217 to 220)

		157	1 lied 01/13/10 1 age 30 of 230 1 age b #.
	Page 221		Page 223
1	GEORGE HESSE	1	GEORGE HESSE
2	any of the questions that were asked?	2	after the deposition
3	A No. 2:35:34PM	3	A Yes. 2:37:23PM
4	Q Did you ever review his transcript or 2:35:35PM	4	Q as well? 2:37:23PM
5	any excerpts from his transcript from the	5	And when did you speak with her after 2:37:24PM
6	deposition in this case?	6	her deposition?
7	A Yes. 2:35:41PM	7	A Maybe a day or two after. 2:37:27PM
8	Q When did you do that? 2:35:42PM	8	Q And what did she say in that 2:37:29PM
9	A I don't know the exact date, but I had 2:35:44PM	9	conversation?
10	requested since I wasn't going to be present for	10	A Other than she had to go to the city, 2:37:34PM
11	the depositions, if Mr. Connolly could send me a	11	she had a headache and that she felt slightly
12	copy so I could just look at them.	12	intimidated by Mr. Fiorillo, that was it.
13	Q Of just Cherry's or everybody's? 2:35:55PM	13	Q Did she tell you anything 2:37:45PM
14	A Of everybody's. 2:35:58PM	14	substantively about her deposition?
15	Q So you reviewed everybody's deposition 2:35:59PM	15	A No. 2:37:48PM
16	transcripts in this case?	16	Q How about Natalie Rogers, did you ever 2:37:52PM
17	A No. 2:36:02PM	17	speak to her about her deposition?
18	Q Which ones have you reviewed? 2:36:03PM	18	A No. 2:37:57PM
19	A I have read Mr. Snyder's. I've read 2:36:04PM	19	Q Did you ever speak with Joe Loeffler 2:37:59PM
20	Kevin Lamm's. I read Joe Nofi's. I read Eddie	20	about his deposition?
21	Carter's. I read Maryann Minerva's. I read I	21	A No, other than the fact that he came 2:38:03PM
22	think the first half of Natalie Rogers. That	22	and took and gave his deposition.
23	may be it.  O Did you read Joe Loeffler's? 2:36:41PM	24	Q You didn't speak anything 2:38:07PM
25	Q Did you read Joe Loeffler's? 2:36:41PM A No. 2:36:44PM	25	substantive you didn't speak anything with him about the substance of his deposition?
		23	min about the substance of his deposition.
	Page 222		Page 224
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Did you read Allison Sanchez? 2:36:44PM	2	A No. 2:38:13PM
3	A No. 2:36:46PM	3	Q Did you speak with strike that. 2:38:15PM
4	Q Did you speak with Minerva about her 2:36:47PM	4	Did you read the transcript of Gary 2:38:18PM
5	deposition?	5	Bosetti's deposition?
6 7	MR. NOVIKOFF: Before or after? 2:36:51PM MR. GOODSTADT: Either. 2:36:52PM	7	A No. 2:38:21PM  Q How about Richard Bosetti's 2:38:22PM
8	MR. NOVIKOFF: Okay. 2:36:54PM	8	Q How about Richard Bosetti's 2:38:22PM deposition?
9	MR. GOODSTADT: I'm trying to truncate 2:36:55PM	9	A No. I haven't received them. 2:38:24PM
10	some of the questions.	10	Q Have you spoken with either of them 2:38:25PM
11	A Yes. 2:36:57PM	11	about their depositions?
12	Q Before or after? 2:36:58PM	12	A Just Gary, as far as him just coming 2:38:28PM
13	A Before and after. 2:36:59PM	13	to give his deposition. And Richie also. I'm
14	Q What did you discuss with her before 2:36:59PM	14	sorry, yes.
15	her deposition?	15	Q Before they took their depositions or 2:38:36PM
16	A Just the fact that she was coming. 2:37:02PM	16	after?
17	Q Have you ever discussed before her 2:37:04PM	17	A I believe they Gary had called me 2:38:38PM
18	deposition, did you ever discuss the substance	18	just to advise me that he was coming in and Gary
19	of any of the allegations made in the complaint?	19	himself called me again to tell me that Richie
20	A Just like I said previous, that it was 2:37:11PM	20	was going in, and then he called me to tell me
21	baseless.	21	that either he was done or his brother was done.
22	Q But nothing specific about any of the 2:37:13PM	22	Q Did he tell you anything substantively 2:38:53PM
23	specific allegations?	23	about their depositions?
24	A Nothing specific, no. 2:37:17PM	24	A No. 2:38:57PM
25	Q Okay. And did you speak with her 2:37:18PM	25	Q Did you see the Bosettis in the 2:38:57PM

56 (Pages 221 to 224)

r	13	158	
	Page 225		Page 227
1	GEORGE HESSE	1	GEORGE HESSE
2	hospital after Rich Bosetti was in a motorcycle	2	discussion?
3	accident?	3	A How funny it was that somebody would 2:40:42PM
4	A Yes, I did. 2:39:04PM	4	make an allegation like that.
5	Q Did you discuss anything at all about 2:39:05PM	5	Q Anything else that you discussed about 2:40:49PM
6	this case with them at that time?	6	that allegation?
7	A No. 2:39:09PM	7	A Yeah. She said that she couldn't 2:40:56PM
8	Q Did you discuss anything about their 2:39:10PM	8	believe that the allegation was made by these
9	depositions with them at that time?	9	individuals, especially since they were in her
10	A No. 2:39:12PM	10	office and they saw pictures of her partner on
11	Q Did you ever read Allison Sanchez's 2:39:16PM	11	the wall, that these guys must not be very good
12	transcript?	12	investigators.
13	A I don't believe I received hers 2:39:21PM	13	Q What do you mean by that, saw pictures 2:41:12PM
14	either.	14	of her on the wall?
15	Q Have you spoken with Ms. Sanchez at 2:39:22PM	15	MR. NOVIKOFF: What does he mean by 2:41:18PM
16	all about her deposition?	16	that?
17	A Very briefly, yes. 2:39:26PM	17	BY MR. GOODSTADT: 2:41:20PM
18	Q When did you speak to her? 2:39:27PM	18	Q Do you know what she meant by that? 2:41:20PM
19	A I ran into her in Riverhead court one 2:39:29PM	19	MR. CALLAHAN: Objection to form. 2:41:23PM
20	day. I don't remember the specific day. And	20	A By the fact that they were in her 2:41:24PM
21	she just said that he had come to the	21	office and she had pictures of her partner all
22	deposition, and that was it. I introduced her	22	over the place.
23	•	23	_
24	to my wife, and we just chatted for a little	24	Q And how did she reach the conclusion, 2:41:31PM
25	bit.  O Did you tall have strike that 2:20:42DM	25	if you know, that they weren't very good
25	Q Did you tell her strike that. 2:39:43PM	23	investigators?
	Page 226		Page 228
1	Page 226  GEORGE HESSE	1	Page 228  GEORGE HESSE
1 2	GEORGE HESSE	1 2	GEORGE HESSE
			GEORGE HESSE
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Did she tell you anything substantive 2:39:45PM about her deposition?  A The only thing that she did mention 2:39:48PM was the part about sexual relations between me and her, and she said she threw up in her mouth and she laughed.  MR. NOVIKOFF: She actually did throw 2:39:58PM up.  A She thought it was a joke. 2:40:01PM  Q Did she say anything else about her 2:40:05PM deposition?  A No. Our conversation was actually 2:40:08PM pretty brief. She had a she's a parole officer now. So she had to move on and do her job, I guess. I don't know.  Q After you received the complaint in 2:40:20PM this case, did you ever discuss the substantive allegations with Allison Sanchez?  A I believe that we did discuss the 2:40:27PM allegation of us having a sexual relationship. That would be it.  Q When did you have that discussion? 2:40:33PM A I don't recall. 2:40:34PM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	GEORGE HESSE  MR. CALLAHAN: Objection to form. 2:41:42PM  MR. NOVIKOFF: Yeah, I join in. 2:41:43PM  A She flat out said that she didn't 2:41:44PM  think they were smart cops.  Q And her conclusion was based on the 2:41:48PM  fact that  MR. CALLAHAN: Objection to form. 2:41:52PM  MR. GOODSTADT: We're objecting now 2:41:54PM  before questions are even asked?  MR. CALLAHAN: I thought you were 2:42:11PM  done.  MR. GOODSTADT: No, I wasn't. 2:42:12PM  MR. NOVIKOFF: Just note my objection 2:42:15PM  to all the questions.  MR. GOODSTADT: Welch can step in. 2:42:21PM  BY MR. GOODSTADT: 2:42:28PM  Q Do you know what her conclusion was 2:42:28PM  based on?  MR. CALLAHAN: Objection to form. 2:42:31PM  MR. NOVIKOFF: I join. 2:42:33PM  A I would say it was based on the fact 2:42:34PM  that they made this allegation that I had sexual relations with her, when she was, in fact, a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Did she tell you anything substantive 2:39:45PM about her deposition?  A The only thing that she did mention 2:39:48PM was the part about sexual relations between me and her, and she said she threw up in her mouth and she laughed.  MR. NOVIKOFF: She actually did throw 2:39:58PM up.  A She thought it was a joke. 2:40:01PM  Q Did she say anything else about her 2:40:05PM deposition?  A No. Our conversation was actually 2:40:08PM pretty brief. She had a she's a parole officer now. So she had to move on and do her job, I guess. I don't know.  Q After you received the complaint in 2:40:20PM this case, did you ever discuss the substantive allegations with Allison Sanchez?  A I believe that we did discuss the 2:40:27PM allegation of us having a sexual relationship. That would be it.  Q When did you have that discussion? 2:40:33PM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  MR. CALLAHAN: Objection to form. 2:41:42PM  MR. NOVIKOFF: Yeah, I join in. 2:41:43PM  A She flat out said that she didn't 2:41:44PM  think they were smart cops.  Q And her conclusion was based on the fact that  MR. CALLAHAN: Objection to form. 2:41:52PM  MR. GOODSTADT: We're objecting now 2:41:54PM  before questions are even asked?  MR. CALLAHAN: I thought you were 2:42:11PM  done.  MR. GOODSTADT: No, I wasn't. 2:42:12PM  MR. NOVIKOFF: Just note my objection 2:42:15PM  to all the questions.  MR. GOODSTADT: Welch can step in. 2:42:21PM  BY MR. GOODSTADT: 2:42:28PM  Q Do you know what her conclusion was 2:42:28PM  based on?  MR. CALLAHAN: Objection to form. 2:42:31PM  MR. NOVIKOFF: I join. 2:42:33PM  A I would say it was based on the fact 2:42:34PM  that they made this allegation that I had sexual

57 (Pages 225 to 228)

	13 - Case 2:07-cv-01215-35F-ETB Document	159	
	Page 229		Page 231
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Does the fact that she's a lesbian 2:42:44PM	2	A Sometimes. 2:44:34PM
3	preclude that allegation from being true?	3	Q Kevin Lamm? 2:44:35PM
4	MR. CALLAHAN: Objection to form. 2:42:45PM	4	A Sometimes. 2:44:36PM
5	MR. NOVIKOFF: Physically? 2:42:46PM	5	Q How about Frank Fiorillo? 2:44:38PM
6	MR. GOODSTADT: Yeah. 2:42:48PM	6	A And sometimes, yeah. 2:44:39PM
7	MR. NOVIKOFF: I think the record 2:42:48PM	7	Q How about in '04, was Carter on your 2:44:42PM
8	could reflect that we can all stipulate that	8	tour a lot?
9	lesbians can have sex with men.	9	MR. NOVIKOFF: Objection. 2:44:46PM
10	MR. GOODSTADT: Okay. 2:42:55PM	10	What do you mean by a lot? 2:44:48PM
11	BY MR. GOODSTADT: 2:42:55PM	11	MR. GOODSTADT: Well, I think I asked 2:44:50PM
12	Q You testified when you were a 2:43:00PM	12	if there was a set group of guys, and he
13	sergeant, that your tours were on Friday,	13	said generally there were, but it
14	Saturday nights; is that correct?	14	fluctuated.
15	A Correct. 2:43:09PM	15	BY MR. GOODSTADT: 2:44:56PM
16	Q And you were the most senior officer 2:43:10PM	16	Q So would Carter be one of the general 2:44:56PM
17	on that tour?	17	group of guys that were on your tour in '04?
18	A Yes. 2:43:13PM	18	A Sometimes. 2:45:03PM
19	Q Now, if an officer on your tour had a 2:43:16PM	19	Q How about Snyder? 2:45:03PM
20	problem or a complaint in the chain of the	20	A Sometimes. 2:45:04PM
21	command, would they come to you with that	21	Q Nofi? 2:45:05PM
22	problem or complaint?	22	A Sometimes. 2:45:05PM
23	A If they were working a tour with me 2:43:26PM	23	Q Lamm? 2:45:06PM
24	they would probably come right to me first.	24	A Sometimes. 2:45:07PM
25	Q That's the way the chain of command 2:43:31PM	25	Q Fiorillo? 2:45:08PM
	Page 230		Page 232
1	GEORGE HESSE	1	GEORGE HESSE
2	works?	2	A Sometimes. 2:45:08PM
3	A Sure. 2:43:33PM	3	Q How about in '03, would Gary Bosetti? 2:45:09PM
4	Q And did you ever hear Paradiso tell 2:43:37PM	4	A Very rarely, but sometimes, yeah. 2:45:12PM
5	the officers in Ocean Beach or any officer in	5	Q How about Rich Bosetti? 2:45:14PM
6	Ocean Beach that what happens on my tour, I'm	6	A Same thing, sometimes. 2:45:16PM
7	handling; what happens on officer Hesse's tour he handles?	7 8	Q What tour did they generally work in 2:45:17PM
8	A I never heard that. 2:43:51PM	9	'03?  A They always worked they pretty much 2:45:21PM
10	Q You never heard that. 2:43:53PM	10	always worked 4 to 12s.
11	Was there a set let's go to 2003. 2:44:03PM	11	Q And was your tour in '03 generally on 2:45:27PM
12	Was there a set group of guys that were on your	12	Fridays and Saturdays?
13	tour?	13	A Friday and Saturday, 9 at night until 2:45:31PM
14	A I would say yes, but it fluctuated 2:44:13PM	14	5 in the morning.
15	from day to day.	15	Q So your tours would overlap 2:45:34PM
16	Q Who generally would be on your tour, 2:44:16PM	16	A Sometimes. 2:45:34PM
17	the core group?	17	Q generally? 2:45:34PM
18	A 2003, I'd have to look at the 2:44:19PM	18	What was Carter's tour generally in 2:45:35PM
19	schedule. I don't know.	19	'03?
20	Q Was Ed Carter on your tour a lot in 2:44:24PM	20	A Most of the time, I believe he worked 2:45:38PM
21	'03?	21	midnights from sorry. From midnight till
22	A Sometimes. 2:44:29PM	22	eight in the morning.
23	Q How about Tom Snyder? 2:44:29PM	23	Q So, again, you'd overlap with him? 2:45:46PM
24	A Sometimes. 2:44:31PM	24	A Sure. 2:45:48PM
25	Q Joe Nofi? 2:44:33PM	25	Q Snyder, do you know what his tour 2:45:49PM

58 (Pages 229 to 232)

13	160
Page 233	Page 235
1 GEORGE HESSE	1 GEORGE HESSE
2 generally was in '03?	2 Q You never heard that that switch was 2:47:24PM
A Generally it was midnights. 2:45:52PM	3 done to discipline you?
4 Q How about Nofi? 2:45:53PM	4 A Absolutely not. 2:47:28PM
5 A Nofi fluctuated around a little bit. 2:45:56PM	5 MR. NOVIKOFF: Andrew, I think your 2:47:39PM
6 Sometimes it was nine at night till five in the	6 question was did he ever hear that switch
7 morning. Sometimes it was four to 12.	7 MR. GOODSTADT: Did anyone tell him. 2:47:42PM
8 Sometimes it was midnights.	8 MR. NOVIKOFF: or was, in his 2:47:43PM
9 Q So sometimes he had the same tour as 2:46:06PM	9 opinion, the switch?
10 you and sometimes he overlapped?	MR. GOODSTADT: Well, did anyone ever 2:47:45PM
11 A Sometimes. 2:46:12PM	tell him that the switch was due to
12 <b>Q How about Lamm? 2:46:13PM</b>	12 discipline.
A Lamm also worked a majority of 2:46:14PM	MR. NOVIKOFF: And I think the witness 2:47:47PM
14 midnights, midnight to eight in the morning.	14 answered my latter question as opposed to
Sometimes he worked at nine at night till five	15 the first question.
16 in the morning.	16 MR. GOODSTADT: Okay. 2:47:51PM
17 <b>Q And Fiorillo?</b> 2:46:23PM	17 BY MR. GOODSTADT: 2:47:52PM
18 A Fiorillo worked some doubles, I 2:46:25PM	18 Q Did you ever hear did anyone ever 2:47:52PM
19 believe. He did some maybe some 4 to 12s. He	19 tell you that the switch was done to discipline
20 did some day tours. He did night tours. He was	20 you as opposed to disciplining Paradiso?
21 on the schedule quite often.	21 A No. 2:48:02PM
MR. NOVIKOFF: And we're talking about 2:46:39PM	Q Have you ever heard that allegation 2:48:03PM made?
in season now.  MR. GOODSTADT: In season, yeah. 2:46:41PM	23 <b>made?</b> 24 A No. 2:48:05PM
25 Wik. GOODSTADT: III season, yean. 2.40.41FWI	25 Q And I assume that means that your 2:48:10PM
Page 234	Page 236
1 GEORGE HESSE	1 GEORGE HESSE
BY MR. GOODSTADT: 2:46:42PM	2 opinion was the reason that you testified
3 Q How about in '04, did that change at 2:46:43PM	before, that it was to discipline Paradiso,
4 <b>all?</b> 5 A No. 2:46:45PM	4 <b>correct?</b> 5 A Correct. 2:48:15PM
	5 A Correct. 2:48:15PM 6 <b>Q Now, let's go back to Allison Sanchez. 2:48:22PM</b>
Q Same thing with Gary and Rich Bosetti, 2:46:46PM generally they worked the 4-to-12 tour?	7 She was also called Allison Chester at one
8 A Yeah. 2:46:49PM	8 point, right?
9 Q How about '05, did that change at all? 2:46:49PM	9 A Yes. 2:48:27PM
10 A No. 2:46:52PM	10 Q Okay. So when I say Allison Sanchez, 2:48:26PM
11 Q In '03, '04 and '05, you generally did 2:46:52PM	11 I'm referring to the same person regardless of
12 the 9 to 5?	what her last name is; is that fair?
13 A On Fridays and Saturdays. 2:46:57PM	13 A Understood. 2:48:31PM
14 Q Fridays and Saturdays? 2:46:59PM	14 Q Did you generally deal with her over 2:48:32PM
15 A Yes. 2:47:01PM	15 the phone, in person, E-mail, letters, or which
Q When was the change? That was in '02? 2:47:02PM	16 way is it generally?
17 A Which change? 2:47:04PM	MR. NOVIKOFF: Objection to form. 2:48:40PM
18 Q I think you testified before that 2:47:06PM	18 MR. CALLAHAN: Objection to form. 2:48:42PM
19 Paradiso was flipped to your tours, you were	19 A On the phone. 2:48:44PM
20 flipped to his tours due to some discipline of	Q How many times did you interact with 2:48:46PM
21 <b>his?</b>	21 her in person?
A Yeah, it might have been 2002. I'd 2:47:16PM	22 A Three, four times. 2:48:58PM
have to go through the records and the schedules	Q Why don't we just start with the first 2:49:04PM
24 to see exactly what the dates were. I don't	24 time. Where was it?
25 know.	25 A At her office. 2:49:08PM

59 (Pages 233 to 236)

	13	161	
	Page 237		Page 239
1	GEORGE HESSE	1	GEORGE HESSE
2 <b>Q Do</b>	you recall when that was, what 2:49:12PM	2	A At that time, no. 2:50:57PM
3 <b>year?</b>	•	3	Q Deputy chief of police? 2:50:57PM
	vas probably in 2005. 2:49:16PM	4	A No. 2:50:59PM
	d you ever met her prior to that 2:49:23PM	5	Q Sergeant? 2:50:59PM
6 time?	•	6	A Sergeant. 2:51:00PM
7 A No.	2:49:26PM	7	Q Why did you sign as opposed to 2:51:01PM
8 <b>Q Ha</b>	d you ever spoken to her prior to 2:49:27PM	8	Paradiso?
9 that meeti	ng in the office in '05?	9	A Because he told me to take care of the 2:51:06PM
10 A I be	elieve by then we had a 2:49:31PM	10	paperwork, so that's what I did.
11 professiona	al rapport on the phone.	11	Q So at least as of 2005, Allison 2:51:13PM
12 <b>Q An</b>	d had you ever seen her prior to 2:49:37PM	12	Sanchez was on notice that you had the title
13 that? I kn	ow you may not have met her, but had	13	sergeant; is that correct?
14 you ever s	een her around or in passing?	14	MR. CALLAHAN: Objection to form. 2:51:21PM
15 A No.	2:49:45PM	15	MR. NOVIKOFF: Objection. 2:51:22PM
16 <b>Q So</b>	you didn't recognize her when you 2:49:45PM	16	MR. CONNOLLY: Objection. 2:51:23PM
	er in '05 in her office?	17	A Am I aware if she was aware? 2:51:25PM
	NOVIKOFF: Objection. 2:49:50PM	18	Q You had the paperwork that you showed 2:51:27PM
19 <b>MR</b> .	GOODSTADT: Yeah, I shouldn't say 2:49:51PM	19	her, correct?
•	u first saw her.	20	A Yeah. 2:51:29PM
	NOVIKOFF: I mean, I would presume 2:49:54PM	21	Q You had signed off as sergeant, 2:51:30PM
22 that if he	e met her in her office, she has a	22	correct?
-	ate saying Allison Sanchez.	23	A Correct. 2:51:32PM
24 MR.	GOODSTADT: I'm talking about 2:49:59PM	24	Q Had you sent any other paperwork to 2:51:32PM
25 recogniz	ing the face.	25	her prior to that signing off as sergeant?
	Page 238		Page 240
1	_	1	
1 2 <b>BY MR</b> (	GEORGE HESSE	1 2	GEORGE HESSE
2 <b>BY MR. C</b>	GEORGE HESSE GOODSTADT: 2:50:00PM	2	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM
2 BY MR. C 3 <b>Q Di</b> d	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM	2 3	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.
<ul> <li>2 BY MR. C</li> <li>3 Q Dia</li> <li>4 went into</li> </ul>	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM her office in 2005 as someone that you	2 3 4	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.  Q Had you ever sent her any memos or 2:51:45PM
2 BY MR. C 3 Q Did 4 went into 5 may have	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM her office in 2005 as someone that you seen around?	2 3 4 5	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.  Q Had you ever sent her any memos or 2:51:45PM E-mails where you signed off as sergeant,
2 BY MR. C 3 Q Did 4 went into 5 may have 6 A No	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM her office in 2005 as someone that you seen around?  2:50:06PM	2 3 4	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.  Q Had you ever sent her any memos or 2:51:45PM E-mails where you signed off as sergeant, whether it's through the mail or not?
2 BY MR. C 3 Q Did 4 went into 5 may have 6 A No 7 Q An	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM her office in 2005 as someone that you seen around?  2:50:06PM d what were you dealing with her 2:50:11PM	2 3 4 5 6	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.  Q Had you ever sent her any memos or 2:51:45PM E-mails where you signed off as sergeant, whether it's through the mail or not?  A I may have. I don't recall. 2:51:53PM
2 BY MR. C 3 Q Did 4 went into 5 may have 6 A No 7 Q An 8 when you	GEORGE HESSE GOODSTADT: 2:50:00PM d you recognize the face when you 2:50:01PM her office in 2005 as someone that you seen around? 2:50:06PM d what were you dealing with her 2:50:11PM met in her office in '05?	2 3 4 5 6 7	GEORGE HESSE  A I don't know if I sent anything 2:51:38PM through the mail to her.  Q Had you ever sent her any memos or 2:51:45PM E-mails where you signed off as sergeant, whether it's through the mail or not?  A I may have. I don't recall. 2:51:53PM  Q Did you ever send her any paperwork 2:51:55PM
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60 (Pages 237 to 240)

	13	162	
	Page 241		Page 243
1	GEORGE HESSE	1	GEORGE HESSE
2	A She was there on business. 2:52:36PM	2	Q Where was that? 2:53:56PM
3	Q On business? 2:52:37PM	3	A It was in Cherry Grove, Fire Island. 2:53:57PM
4	A Yes. 2:52:38PM	4	Q Was she there on business? 2:54:04PM
5	Q And you met with her when she was 2:52:38PM	5	A No. 2:54:06PM
6	there on business?	6	Q She was there for pleasure? 2:54:06PM
7	A I ran into her. 2:52:42PM	7	A Yes. 2:54:07PM
8	Q Did you have any conversation with 2:52:43PM	8	Q And did you speak with her at all when 2:54:08PM
9	her?	9	you ran into her?
10	A Just there was probably I remember 2:52:44PM	10	A Yes. 2:54:12PM
11	there was a brief hello.	11	Q What was the substance of that 2:54:12PM
12	Q Do you recall the substance of that 2:52:48PM	12	conversation?
13	conversation at all?	13	A I don't recall. 2:54:16PM
14	A Hello. 2:52:50PM	14	Q When was the conversation? 2:54:17PM
15	Q Other than for hello? 2:52:50PM	15	A It was I don't have the exact date. 2:54:19PM
16	A No. 2:52:51PM	16	Q What year was it? 2:54:24PM
17	Q That was it? Where did you run into 2:52:52PM	17	A It was in August of 2005, the first 2:54:27PM
18	her?	18	Wednesday in August of 2005.
19	A In the village office. 2:52:54PM	19	Q And what was the substance of the 2:54:51PM
20	Q Do you know what she was doing on the 2:52:57PM	20	conversation you had with her?
21	beach, what business she was there for?	21	A It was purely social. 2:54:54PM
22	A I believe she was there for some other 2:53:02PM	22	Q Do you recall what you discussed? 2:54:56PM
23	Civil Service issues that required her	23	A No. 2:54:57PM
24	attention, and she was meeting with Mary Ann	24	Q Do you recall anything you discussed? 2:54:58PM
25	Minerva.	25	A No. 2:54:59PM
	Page 242		Page 244
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Do you know what the issues were? 2:53:14PM	2	Q How long was the conversation? 2:54:59PM
3	A No. 2:53:15PM	3	A Half hour, 45 minutes. 2:55:04PM
4	Q So how did you know she was meeting 2:53:18PM	4	Q Where was it? I know it was in Cherry 2:55:10PM
5	with Maryann Minerva to discuss Civil Service	5	Grove, but where in Cherry Grove?
6	issues?	6	A It was at a bar, Ice Palace. 2:55:14PM
7	A She was an employee of Civil Service, 2:53:25PM	7	Q Were you on duty? 2:55:24PM
8	she was there on business and Maryann Minerva is	8	A No. 2:55:25PM
9	the superintendent of the village.	9	Q Did you have any alcoholic beverages 2:55:30PM
10	Q Did you ask Maryann what the issues 2:53:31PM	10	while you were there?
11	were that she was there for?	11	A Yes. 2:55:33PM
12	A I don't recall. 2:53:31PM	12	Q How many? 2:55:34PM
13	Q Do you recall what month in '05 this 2:53:34PM	13	A I don't know. Four. 2:55:36PM
14	was?	14	Q Did she have any alcoholic beverages? 2:55:38PM
15	A I don't. 2:53:36PM	15	A Yes. 2:55:40PM
16	Q Did you ask Sanchez what she was doing 2:53:37PM	16	Q How many? 2:55:40PM
17	there?	17	A I don't know. 2:55:41PM
18	A I don't recall. 2:53:41PM	18	Q More than one? 2:55:43PM
19	Q And sitting here today, you don't know 2:53:43PM	19	A It's possible. 2:55:46PM
20	what they were discussing?	20	Q More than two? 2:55:47PM
21	MR. NOVIKOFF: Objection. 2:53:47PM	21	A It's possible. 2:55:48PM
22	A No. 2:53:47PM	22	Q More than three? 2:55:48PM
23	Q What was the third time you dealt with 2:53:49PM	23	A It's possible. 2:55:49PM
24	her face to face?	24	Q More than four? 2:55:50PM
25	A I ran into her one day. 2:53:53PM	25	A Maybe. 2:55:52PM

61 (Pages 241 to 244)

	<u>1</u> ;	3163
	Page 245	Page 247
1	GEORGE HESSE	1 GEORGE HESSE
2	Q You don't know? 2:55:53PM	2 A Yes. 2:57:59PM
3	A I don't know. 2:55:54PM	3 Q or anything about the plaintiffs? 2:57:59PM
4	Q Were you with anyone else? 2:55:56PM	4 When was the first time you discussed 2:58:01PM
5	A Yes. 2:55:58PM	5 anything about the plaintiffs with Allison
6	MR. CALLAHAN: Objection to form. 2:56:00PM	1 6 Sanchez?
7	BY MR. GOODSTADT: 2:56:00PM	7 A March of 2006. 2:58:10PM
8	Q Who were you with? 2:56:01PM	8 Q Was it in person or on the phone? 2:58:19PM
9	A I was with Walter Muller. I was with 2:56:02PM	9 A Phone. 2:58:22PM
10	a Carl Muller. I don't know if anybody else	10 Q Do you recall when in March? 2:58:22PM
11	came with us. I think that was it.	11 A No. 2:58:24PM
12	Q Is Carl Muller and Walter Muller 2:56:16PM	12 Q Did you call her or did she call you? 2:58:24PM
13	related?	13 A Called her. 2:58:27PM
14	A No. 2:56:20PM	14 Q Just to discuss the plaintiffs or to 2:58:29PM
15	Q And was she with anybody else? 2:56:21PM	15 discuss other things as well?
16	A Yes. 2:56:23PM	16 MR. CALLAHAN: Objection to form. 2:58:34PM
17	Q Who was she with? 2:56:23PM	17 A I don't recall. 2:58:35PM
18	A Her partner. 2:56:24PM	18 Q And tell me everything you recall from 2:58:37PM
19	Q Anyone else? 2:56:28PM A Not that I know of. 2:56:29PM	19 that phone conversation with respect to the
20 21		20 <b>plaintiffs.</b> 21 A I called her to ask advice in 2:58:41PM
22	Q Did you eat any food while you were 2:56:30PM there?	
23	A Yes. 2:56:33PM	<ul><li>22 reference to regarding employment with some</li><li>23 of the part-time seasonal officers, what their</li></ul>
24	Q And what was it, a meal? 2:56:34PM	24 rights were, what my rights what the
25	A Lunch. 2:56:37PM	25 department's rights were and what the village's
	Page 246	6 Page 248
1	GEORGE HESSE	1 GEORGE HESSE
2	Q Lunch. Who paid for that meal? 2:56:38PM	2 rights were if I were to decide to let someone
3	A I believe the three gentlemen, all of 2:56:41PM	3 go.
4	us together, we split it.	4 Q Did you tell her who you were deciding 2:59:05PM
5	Q So Allison Sanchez and her partner 2:56:48PM	5 to let go?
6	didn't pay anything?	6 A No. 2:59:08PM
7	A She didn't have lunch with us. 2:56:52PM	7 Q What did she tell you? 2:59:09PM
8	Q They didn't eat with you? 2:56:55PM	8 A She said that she would find out. She 2:59:10PM
9	A No. 2:56:57PM	9 would ask her boss, and she'd get back to me.
10	Q And when was the fourth time that you 2:56:57PM	10 Q Did you discuss anything else with her 2:59:20PM
11	had a face-to-face interaction with her?	11 on that call about the plaintiffs?
12	A I believe I had to get some more 2:57:02PM papers signed at her office, and we went to	12 A No. 2:59:24PM
13 14	lunch.	13 <b>Q How long did that call last? 2:59:27PM</b> 14 A I don't recall. 2:59:29PM
15	Q When was that? 2:57:18PM	15 Q Did you discuss anything else other 2:59:30PM
16	A It was probably later in 2005. I 2:57:19PM	16 than what you testified to with her on that
17	don't know the exact date.	17 call?
18	Q How long did that interaction last? 2:57:25PM	18 A I don't recall. 2:59:34PM
19	A Hour and a half. 2:57:27PM	19 Q Did she ever get back to you? 2:59:34PM
20	Q What paperwork were you bringing? 2:57:32PM	g
21	A More of those forms I stated earlier. 2:57:34PM	21 Q She called you? 2:59:37PM
22	Q Was anyone else there? 2:57:50PM	22 A Yes. 2:59:38PM
23	A No. 2:57:51PM	Q And when was that? How long after the 2:59:38PM
24	Q Have you ever discussed any of the 2:57:54PM	24 first call?
25	plaintiffs with Allison Sanchez	25 A I don't recall. 2:59:44PM

62 (Pages 245 to 248)

	13	3164
	Page 249	Page 251
1	GEORGE HESSE	1 GEORGE HESSE
2	Q And what did she tell you? 2:59:44PM	2 Q She told you that she said that? 3:02:21PM
3	A She I believe she said she spoke to 2:59:47PM	3 A Yes. 3:02:22PM
4	Stan Pelk, but she explained to me that	4 Q And it was your understanding that she 3:02:32PM
5	part-time and seasonal employees, employees,	5 was referring to when she said you don't have
6	police officers are at-will employees and that	6 a leg to stand on, it was your understanding
7	we could release them at any time without cause.	that she was referring to what his rights were?
8	Q Did she tell you what she was relying 3:00:12PM	8 MR. CALLAHAN: Objection to form. 3:02:41PM
9	on?	9 MR. NOVIKOFF: Yeah, objection. 3:02:42PM
10	A Just from what she was told by her 3:00:15PM	10 MR. CONNOLLY: Objection. 3:02:43PM
11	boss.	11 A Yeah, that's what I believe. 3:02:43PM
12	Q Did she cite to you any provisions of 3:00:17PM	12 Q That was your understanding? 3:02:44PM
13	the Civil Service law that provided that?	13 A Yeah. 3:02:46PM
14	A No. 3:00:22PM	14 Q Did she tell you anything else about 3:02:46PM
15		15 that conversation?
16	Q Did you discuss anything else with her 3:00:24PM	16 A I don't recall. 3:02:49PM
17	on that call?  A I don't recall. 3:00:27PM	
		g and a grant and grant and grant and grant and a gran
18	Q Did you discuss that issue about what 3:00:32PM	1 2027.328888
19	your rights were with anyone other than for	19 A I don't recall, other than that's 3:03:00PM
20	Allison Sanchez in March 2006?	20 it. I don't recall anything else.
21	A As far as the rights, no. 3:00:40PM	Q Were you in the were you in the 3:03:09PM
22	Q So I guess that covers the first two 3:00:44PM	22 police station during this call?
23	times you spoke to her about the plaintiffs.	23 A I believe so. 3:03:12PM
24	Did you speak with her about the 3:00:48PM	24 Q Was anyone else on the line at your 3:03:18PM
25	plaintiffs at any time subsequent to that?	25 <b>end?</b>
	Page 250	Page 252
1	CEORGE HESSE	
1	GEORGE HESSE  A Yes 3:00:52PM	1 GEORGE HESSE
2	A Yes. 3:00:52PM	1 GEORGE HESSE 2 A No, not that I'm aware of. 3:03:22PM
2	A Yes. 3:00:52PM Q When? 3:00:53PM	1 GEORGE HESSE 2 A No, not that I'm aware of. 3:03:22PM 3 Q Did you tell anybody, any current or 3:03:24PM
2 3 4	A Yes. 3:00:52PM <b>Q When? 3:00:53PM</b> A I believe it was April 4th or 5th. 3:00:56PM	GEORGE HESSE A No, not that I'm aware of. 3:03:22PM Q Did you tell anybody, any current or 3:03:24PM former employees of Ocean Beach, about Snyder,
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63 (Pages 249 to 252)

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	Page 253		Page 255
1	GEORGE HESSE	1	GEORGE HESSE
2	writing.	2	Cherry. That officer, I can't think of his
3	A Uh-huh. 3:04:26PM	3	name. There may be some others.
4	I don't recall. I mean, I know I've 3:04:29PM	4	Q You said John Dyer? 3:06:47PM
5	spoken to her after that. I just don't know in	5	A Uh-huh. 3:06:49PM
6	regards to what.	6	Q Arnie Hardman? 3:06:57PM
7	Q Do you recall the substance of any of 3:04:35PM	7	A Yes, Arnie Hardman. And there was 3:06:58PM
8	those conversations?	8	another one.
9	A I think later on, when there was an 3:04:41PM	9	Q John Bullis? 3:07:11PM
10	allegation made that I was having sexual	10	A Yes. 3:07:15PM
11	relations with her, that we talked about that a	11	Q Is that who you were thinking of? 3:07:16PM
12	little bit, and I think she laughed at the fact	12	A No. 3:07:19PM
13	that somebody would make that allegation.	13	Q Daniel Shook? 3:07:24PM
14	Q Well, did you ever tell Ed Carter that 3:04:59PM	14	A That's him, Daniel Shook. 3:07:26PM
15	you took her out to lunch?	15	Q And is it your understanding that if 3:07:38PM
16	•	16	•
17		17	you don't pass those battery of tests, that you
	Q Did you ever tell Ed Carter that you 3:05:04PM		can't be a police officer in Suffolk County?
18	slept with her?	18	MR. NOVIKOFF: Objection. 3:07:44PM
19	A Definitely not. 3:05:07PM	19	A Correct. 3:07:45PM
20	Q Did you tell Joe Nofi that you banged 3:05:08PM	20	Q So if you don't pass those tests, 3:07:46PM
21	her?	21	you're a civilian, correct?
22	A Definitely not. 3:05:11PM	22	MR. NOVIKOFF: Objection. I don't 3:07:50PM
23	Q Did you ever see her other than for 3:05:12PM	23	know what you mean by "civilian."
24	the well, strike that.	24	MR. CONNOLLY: Objection. 3:07:52PM
25	Have you ever seen her in Ocean Beach 3:05:17PM	25	MR. CALLAHAN: Objection. 3:07:53PM
	D 0 F 4		
	Page 254		Page 256
1		1	
1 2	GEORGE HESSE	1 2	GEORGE HESSE
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64 (Pages 253 to 256)

	<u>13</u>	166	
	Page 257		Page 259
1	GEORGE HESSE	1	GEORGE HESSE
2	A All of them were sworn in as police 3:08:37PM	2	know if that was your question. But if you
3	officers.	3	had asked the question already, then it's in
4	Q So it's your understanding that if 3:08:39PM	4	the record. So why are we fighting with
5	you're sworn in, that you're certified to be a	5	him?
6	police officer?	6	MR. GOODSTADT: I just want to make 3:10:41PM
7	MR. NOVIKOFF: Objection. It's not 3:08:45PM	7	sure that I understood his testimony.
8	his testimony.	8	MR. NOVIKOFF: Well, ask him again. 3:10:45PM
9	MR. CALLAHAN: Objection. 3:08:49PM	9	I'll object, but he'll still answer.
10	MR. CONNOLLY: Objection. 3:08:51PM	10	BY MR. GOODSTADT: 3:10:48PM
11	BY MR. GOODSTADT: 3:08:51PM	11	Q Is the way I characterized it your 3:10:49PM
12	Q Is that your understanding? 3:08:51PM	12	understanding?
13	A They were all retired police officers. 3:08:53PM	13	MR. NOVIKOFF: Objection. 3:10:52PM
14	Q Any of them retired from Suffolk 3:08:57PM	14	A I understand where you're coming from. 3:10:53PM
15	County police department?	15	But I believe it's the Village of Ocean Beach,
16	A None of them, no. 3:08:59PM	16	Maryann Minerva who fills out the Civil Service
17	Q So in terms of being in Suffolk 3:09:02PM	17	paperwork to make sure that it's accurate.
18	County, were they all civilians?	18	Q Okay. So it's your understanding that 3:11:07PM
19	MR. NOVIKOFF: Objection. Asked and 3:09:07PM	19	Miss Minerva was the person responsible for
20	answered.	20	making sure that the people who are hired and
21	A It's a technicality, but, you know, 3:09:09PM	21	paid as police officers were certified to be in
22	I'll agree with you, yes.	22	that position?
23	Q Yes, they were? 3:09:13PM	23	MR. NOVIKOFF: Objection to the form, 3:11:18PM
24	When did you first learn of an issue 3:09:15PM	24	more particularly to the word "responsible."
25	with respect to this group of guys' lack of	25	You're assuming that anyone was responsible
	D 250		Davis 200
	Page 258		Page 260
1	GEORGE HESSE	1	GEORGE HESSE
2	certification?	2	in that period of time.
3	A I don't recall a specific date. 3:09:27PM	3	MR. CONNOLLY: Objection. 3:11:30PM
4	Q Do you recall what year it was? 3:09:30PM	4	You can answer. 3:11:30PM
5	A It was probably the end of 2004, 3:09:34PM	5	A You're going to have to repeat the 3:11:31PM
6	maybe.	6	question. I'm sorry.
7	Q How did you learn about it? 3:09:44PM	'/	MR. GOODSTADT: Yeah, why don't you 3:11:38PM
8	A I don't remember. 3:09:47PM	8	read it back. That would be great.
9	Q So when you heard about it at the end 3:09:54PM	9	(Whereupon, the requested portion was 3:11:41PM
10	of 2004 I believe I asked this question a	10	read back by the court reporter: Okay. So it's your understanding that Miss Minerva
11	while ago; I'll just put it in a time frame	11	, and a second s
12	ed Paradiso was the person in Ocean Beach	12	was the person responsible for making sure
13	responsible for making sure that everybody that	13	that the people who are hired and paid as
14 15	was being paid as a police officer was certified?	14 15	police officers were certified to be in that position?)
16	MR. NOVIKOFF: Objection. 3:10:11PM	16	MR. NOVIKOFF: Can we take a five 3:11:59PM
		17	minute break?
17 18	A You know, I don't know if it was 3:10:13PM really his job to make sure, but he was sure in	18	MR. GOODSTADT: So you objected to a 3:12:06PM
19	charge of hiring.	19	word that wasn't even in the question.
20	Q But when before I asked you who was in 3:10:21PM	20	MR. CONNOLLY: I thought he said 3:12:06PM
21	charge for making sure that the people who are	21	"responsible."
22	hired are certified, you said up until January	22	MR. GOODSTADT: Responsible for making 3:12:06PM
23	of '06, it was Paradiso, and after that it was	23	sure.
24	you.	24	MR. NOVIKOFF: I have a problem with 3:12:09PM
		25	•
25	MR. NOVIKOFF: Objection. I don't 3:10:34PM	23	the word "responsible" only because we

65 (Pages 257 to 260)

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	13	167	
	Page 261		Page 263
1	GEORGE HESSE	1	GEORGE HESSE
2	haven't established that anyone was	2	A It's possible, yes. 3:30:00PM
3	responsible, because clearly there was a	3	Q Were you at the were you at the 3:30:06PM
4	problem.	4	preseason meeting? When I say that, do you know
5	But note my objection. You can 3:12:16PM	5	what that mean when I say a preseason meeting?
6	A That is my belief. 3:12:19PM	6	A Yes. 3:30:13PM
7	Q What's the basis of that belief? 3:12:21PM	7	Q Of the department? 3:30:13PM
8	A Because all applications and paperwork 3:12:23PM	8	A Yes. 3:30:14PM
9	is submitted to her for her approval; and	9	Q Were you at the preseason meeting the 3:30:15PM
10	because it's a municipality, they have to report	10	first year the Bosettis were hired?
11	to Civil Service and they have to report those	11	A I would say yes. 3:30:18PM
12	names to Civil Service.	12	Q And did you tell the Bosettis in front 3:30:20PM
13	Q Does the chief of police have any 3:12:36PM	13	of the group that they would have to take their
14	obligation with respect to that reporting	14	tests?
15	requirement?	15	A I don't recall. 3:30:28PM
16	MR. NOVIKOFF: Objection. 3:12:42PM	16	Q Did you ever speak with Catherine 3:30:38PM
17	A I believe he has some responsibility. 3:12:43PM	17	Spies? Do you know who that is, Catherine
18	Q What is that responsibility? 3:12:46PM	18	Spies?
19	A To make sure that these men, these 3:12:48PM	19	A Yes. 3:30:43PM
20	officers are certified.	20	Q Who is she? 3:30:43PM
21	MR. NOVIKOFF: Could we take that 3:12:54PM	21	A She was the deputy clerk. She's not 3:30:45PM
22	break?	22	there anymore.
23	MR. GOODSTADT: Yep. 3:12:56PM	23	Q Did you ever speak with her about this 3:30:49PM
24	THE VIDEOGRAPHER: The time is now 3:12:57PM	24	issue?
25	3:13 p.m. We are now off the record.	25	A Yes. 3:30:51PM
	Page 262		Page 264
1	GEORGE HESSE	1	GEORGE HESSE
2	(Whereupon, a discussion was held off 3:13:01PM	2	Q When was the first time you spoke with 3:30:52PM
3	the record.)	3	her about the issue?
4	THE VIDEOGRAPHER: The time is now 3:29:04PM	4	MR. NOVIKOFF: About the issue, the 3:30:54PM
5	3:29 p.m. We are now back on the record.	5	certification?
6	BY MR. GOODSTADT: 3:29:07PM	6	MR. GOODSTADT: About the 3:30:57PM
7	Q Now, just to go back to the issue with 3:29:10PM	7	certification issue, yes.
8	the uncertified officers working in Ocean Beach.	8	A I don't recall. 3:30:58PM
9	How did you learn about the fact that there was	9	Q Did you ever speak with Joe Loeffler 3:31:04PM
10	this problem?	10	about the certification issue?
11	A I don't remember I think I stated I 3:29:23PM	11	A Yes. 3:31:07PM
12	don't remember how I found out.	12	Q When was the first time you spoke with 3:31:09PM
13	Q Did you ever speak with Ms. Minerva 3:29:30PM	13	him?
14	about the issue?	14	A I don't recall. 3:31:11PM
15	A Yes. 3:29:34PM	15	Q Who did you speak with first out of 3:31:13PM
16	Q When was the first time you spoke with 3:29:35PM	16	those three people, Minerva, Loeffler, Spias,
17	her about this issue?	17	about the issue?
18	A I don't recall. 3:29:37PM	18	A I don't recall. 3:31:23PM
19	Q Do you recall what year it was? 3:29:39PM	19	Q You're sure you didn't speak with 3:31:30PM
20	A It may have been the end of 2004 into 3:29:41PM	20	Minerva in December of '03 about this
21	2005. I don't know.	21	certification issue?
22	Q And when were the Bosettis hired? 3:29:49PM	22	A Yeah. 3:31:37PM
23	A I believe they came on in this is 3:29:52PM	23	MR. NOVIKOFF: Objection to the form. 3:31:38PM
24	off the top of my head, 2003.	24	A It could've been. 3:31:39PM
25	Q Is it possible it was 2002? 3:29:57PM	25	Q So it's possible that you knew about 3:31:40PM

66 (Pages 261 to 264)

1 GEORGE HESSE 2 the fact that there were uncertified officers 3 working as early as December of '03? 4 MR. NOVIKOFF: Objection to the form 3:31:48PM 5 of the question. 6 A Possible. 3:31:50PM 7 Q Did you ever speak with Paradiso about 3:31:54PM 8 the issue? 9 A Yes. 3:31:56PM 9 Q How long after Paradiso told you that 3:00 did you do something to correct the matter? 10 Q When is the first time you spoke with 3:31:57PM 10 him about the issue? 11 A I'm sure I started working on it right 3:33:36 away.	:33:26PM 0PM :33PM 33:42PM
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working as early as December of '03?  MR. NOVIKOFF: Objection to the form 3:31:48PM  of the question.  A Possible. 3:31:50PM  the issue?  A Yes. 3:31:56PM  Q When is the first time you spoke with 3:31:57PM  him about the issue?  A I don't recall. 3:33:25PM  Q When is the first time you spoke with 3:31:57PM  him about the issue?  A I don't recall. 3:32:01PM  Trustees other than for Loeffler about the issue?  MR. NOVIKOFF: Objection. He didn't 3:32:13PM  say he talked to Loeffler.  BY MR. GOODSTADT: 3:32:15PM  Q Did you ever speak to any trustees 3:32:16PM  about the issue?  A I don't recall. 3:33:41PM  A I don't recall	:33:20PM :33:26PM 0PM :33PM
MR. NOVIKOFF: Objection to the form 3:31:48PM of the question.  A Possible. 3:31:50PM  Did you ever speak with Paradiso about 3:31:54PM the issue?  A Yes. 3:31:56PM  Q When is the first time you spoke with 3:31:57PM him about the issue?  A I don't recall. 3:33:25PM  Did you ever speak with any other 3:32:07PM  MR. NOVIKOFF: Objection. He didn't 3:32:13PM  MR. NOVIKOFF: Objection. He didn't 3:32:15PM  MR. GOODSTADT: 3:32:16PM  D Did you ever speak to any trustees 3:32:16PM  about the issue?  A I don't recall. 3:33:41PM  A I don't rec	:33:20PM :33:26PM 0PM :33PM
5 of the question. 6 A Possible. 3:31:50PM 7 Q Did you ever speak with Paradiso about 3:31:54PM 8 the issue? 9 A Yes. 3:31:56PM 9 Q How long after Paradiso told you that 3: 10 Q When is the first time you spoke with 3:31:57PM 11 him about the issue? 12 A I don't recall. 3:32:01PM 13 Q Did you ever speak with any other 3:32:07PM 14 trustees other than for Loeffler about the issue? 15 MR. NOVIKOFF: Objection. He didn't 3:32:13PM 16 MR. NOVIKOFF: Objection. He didn't 3:32:15PM 17 say he talked to Loeffler. 18 BY MR. GOODSTADT: 3:32:15PM 19 Q Did you ever speak to any trustees 3:32:16PM 20 about the issue? 20 about the issue? 21 A I don't recall. 3:33:17PM 22 And did you do anything to correct the 3 matter? 23 A Yes. 3:33:25PM 24 A Yes. 3:33:25PM 25 A Yes. 3:33:25PM 26 A Yes. 3:33:25PM 27 A I'm sure I started working on it right 3:33:36 28 A Yes. 3:33:25PM 29 A I'm sure I started working on it right 3:33:36 29 And at that point in time, when 3:33:41PM 20 What did you do to fix the problem? 3:41 A I don't recall. 3:33:41PM 27 A I don't recall. 3:33:41PM 28 A Yes. 3:33:25PM 39 A Yes. 3:33:25PM 39 A I'm sure I started working on it right 3:33:36 40 A I'm sure I started working on it right 3:33:36 41 A I'm sure I started working on it right 3:33:36 42 A I'm sure I started working on it right 3:33:36 43 A I'm sure I started working on it right 3:33:36 41 A I'm sure I started working on it right 3:33:36 42 A I'm sure I started working on it right 3:33:36 42 A I'm sure I started working on it right 3:33:36 43 A I'm sure I started working on it right 3:33:36 44 A I'm sure I started working on it right 3:33:36 45 A I'm sure I started working on it right 3:33:36 46 A I'm sure I started working on it right 3:33:36 47 A I'm sure I started working on it right 3:33:36 48 A Yes. 3:33:40 49 A I'm sure I started working on it right 3:33:36 40 A I'm sure I started working on it right 3:33:36 40 A I'm sure I started working on it right 3:33:36 40 A I'm sure I started working on it right 3:33:36 40 A I'm sure I started working on it r	:33:26PM 0PM :33PM 33:42PM
A Possible. 3:31:50PM  Did you ever speak with Paradiso about 3:31:54PM  the issue?  A Yes. 3:31:56PM  When is the first time you spoke with 3:31:57PM  him about the issue?  A I don't recall. 3:32:01PM  Q Did you ever speak with any other 3:32:07PM  trustees other than for Loeffler about the issue?  MR. NOVIKOFF: Objection. He didn't 3:32:13PM  MR. NOVIKOFF: Objection. He didn't 3:32:15PM  MR. GOODSTADT: 3:32:15PM  Q Did you ever speak to any trustees 3:32:16PM  A I believe I contacted Civil Service 3:33:44  A I believe I contacted Civil Service 3:33:44  and had to find out what these officers had to	:33:26PM 0PM :33PM 33:42PM
the issue?  A Yes. 3:31:56PM  Q When is the first time you spoke with 3:31:57PM  him about the issue?  A I don't recall. 3:32:01PM  Q Did you ever speak with any other 3:32:07PM  trustees other than for Loeffler about the issue?  MR. NOVIKOFF: Objection. He didn't 3:32:13PM  Say he talked to Loeffler.  BY MR. GOODSTADT: 3:32:15PM  Q Did you ever speak to any trustees 3:32:16PM  Q Did you ever speak to any trustees 3:32:16PM  A I believe I contacted Civil Service 3:33:44	:33:26PM 0PM :33PM 33:42PM
the issue?  A Yes. 3:31:56PM  When is the first time you spoke with 3:31:57PM  him about the issue?  A I don't recall. 3:32:01PM  Did you ever speak with any other 3:32:07PM  When is the first time you spoke with 3:31:57PM  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I'm sure I started working on it right 3:33:36  A I don't recall. 3:33:41  A I don't recall. 3:33:4	0PM :33PM 33:42PM
9 Q How long after Paradiso told you that 3: 10 Q When is the first time you spoke with 3:31:57PM 11 him about the issue? 12 A I don't recall. 3:32:01PM 13 Q Did you ever speak with any other 3:32:07PM 14 trustees other than for Loeffler about the issue? 15 MR. NOVIKOFF: Objection. He didn't 3:32:13PM 17 say he talked to Loeffler. 18 BY MR. GOODSTADT: 3:32:15PM 19 Q Did you ever speak to any trustees 3:32:16PM 20 about the issue? 20 A How long after Paradiso told you that 3: 21 A I'm sure I started working on it right 3:33:31 22 away. 23 A I dan't recall. 3:33:31 24 Paradiso told you to correct the matter, had you to something to correct the matter? 25 A I'm sure I started working on it right 3:33:31 26 A I'm sure I started working on it right 3:33:31 27 A I dan't recall. 3:33:31 28 A I don't recall. 3:33:31 39 A I don't recall. 3:33:41PM 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40 39 A I believe I contacted Civil Service 3:33:40	0PM :33PM 33:42PM
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12 A I don't recall. 3:32:01PM 13 Q Did you ever speak with any other 3:32:07PM 14 trustees other than for Loeffler about the 15 issue? 16 MR. NOVIKOFF: Objection. He didn't 3:32:13PM 17 say he talked to Loeffler. 18 BY MR. GOODSTADT: 3:32:15PM 19 Q Did you ever speak to any trustees 3:32:16PM 20 about the issue? 11 away. 12 away. 13 Q And at that point in time, when 3:33: 14 Paradiso told you to correct the matter, had you to say that the first time you learned there was a problem? 16 time you learned there was a problem? 17 A I don't recall. 3:33:41PM 18 Q What did you do to fix the problem? 3: 19 A I believe I contacted Civil Service 3:33:40 20 and had to find out what these officers had to	:33PM 33:42PM
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18 BY MR. GOODSTADT: 3:32:15PM 18 <b>Q What did you do to fix the problem? 3:</b> 19 <b>Q Did you ever speak to any trustees 3:32:16PM</b> 20 <b>about the issue?</b> 18 <b>Q What did you do to fix the problem? 3:</b> 19 A I believe I contacted Civil Service 3:33:40 20 and had to find out what these officers had to	
19 <b>Q Did you ever speak to any trustees 3:32:16PM</b> 20 <b>about the issue?</b> 19 A I believe I contacted Civil Service 3:33:40 20 and had to find out what these officers had to	
20 <b>about the issue?</b> 20 and had to find out what these officers had to	01111
THE COLUMN HELD WELL SIDELEGIES 40.	
· ·	33:53PM
MR. GOODSTADT: When they were 3:32:21PM 23 with strike that.	75.551 111
trustees, yeah. 24 Did you contact Civil Service? 3:33:5	7PM
25 A Just Trustee Loeffler, I believe. I 3:32:23PM 25 A I may have. 3:33:58PM	/11/1
	Page 268
1 GEORGE HESSE 1 GEORGE HESSE	
, ,	3:59PM
3 else. 3 Civil Service?	
4 Q Did you ever speak to Natalie Rogers 3:32:28PM 4 A I don't recall. 3:34:02PM	
	:34:02PM
6 A You know, I don't recall. 3:32:31PM 6 Civil Service about what they had to do to	
7 Q You don't recall one way or the other? 3:32:32PM 7 correct the problem?	
	4:08PM
9 <b>Q</b> Was there a plan put in place to fix 3:32:35PM 9 Allison Chester or Sanchez to correct the	
10 <b>the problem when you first learned of it?</b> 10 problem.	
	4:16PM
MR. GOODSTADT: Strike that. Strike 3:32:43PM   12 A I don't recall. 3:34:17PM	
that. 13 Q Do you recall how long after Paradiso 3	
14 BY MR. GOODSTADT: 3:32:44PM 14 suggested that you fix the problem, the time gap	•
Q Was there a plan put in place to fix $3:32:44PM$ 15 between that and the time you spoke with Sanck	hez
16 the problem? 16 about it?	
MR. NOVIKOFF: Same objection. 3:32:48PM 17 A I'm not positive, no. 3:34:31PM	
	:34:34PM
19 would say there was a suggestion to fix the 19 A I don't recall. 3:34:37PM	
	34:39PM
Q Who made the suggestion? 3:32:53PM 21 involved with the plan to fix the problem?	
A I don't know where it came from, but 3:32:58PM 22 A Maryann Minerva. 3:34:43P	
	34:49PM
Q How did it filter to you? 3:33:05PM 24 with the plan to fix it?	
A Paradiso asked me to look into the 3:33:07PM 25 MR. NOVIKOFF: Objection. 3:34	4:54PM

67 (Pages 265 to 268)

	169
Page 269	Page 271
1 GEORGE HESSE	1 GEORGE HESSE
2 A Kathy Spies was part of it. 3:34:55PM	2 Q And during that period of a year and a 3:37:04PM
3 <b>Q</b> Anyone else? 3:35:06PM	3 half to two years, these people who were not
4 MR. NOVIKOFF: Note my objection. 3:35:10PM	4 certified were still being paid as police
5 A I don't know when Kara a McKenna 3:35:14PM	5 officers or did you suspend them for that
6 started, but she also involved with the Civil	6 period?
7 Service stuff, so	7 MR. NOVIKOFF: Objection again to the 3:37:16PM
8 Q What was Minerva's role in the plan to 3:35:23PM	8 form.
9 <b>fix it?</b>	9 When you say "you," are you saying 3:37:17PM
MR. NOVIKOFF: Objection to the form. 3:35:27PM	10 Hesse or the village?
11 A I don't know what her role was. 3:35:28PM	11 MR. GOODSTADT: Good question. 3:37:21PM
Q Do you know anything that she did to 3:35:29PM	MR. NOVIKOFF: Because Hesse has said 3:37:22PM
13 help fix the problem?	13 at the time that he had no authority to hire
14 A I don't know what she did, no. 3:35:35PM	14 or fire.
15 Q What was Spies's role? 3:35:37PM	15 BY MR. GOODSTADT: 3:37:27PM
16 MR. NOVIKOFF: Objection. 3:35:39PM	16 Q Were these people employed by the 3:37:28PM
A I know she was in contact with Civil 3:35:40PM	17 village as police officers and paid by the
18 Service. I know there were some forms that	18 village as police officers during that period?
19 needed to be filled out.	19 A Yes. 3:37:32PM
Q How do you know she was contact with 3:35:45PM	20 Q Do you know whether anyone alerted 3:37:35PM
21 Civil Service?	21 Civil Service to that fact?
22 A She told me. 3:35:49PM	22 MR. NOVIKOFF: Objection. 3:37:44PM
Q Do you recall when she told you, what 3:35:55PM	23 A I don't know. 3:37:45PM
24 year it was?	Q When was Arnold Hardman certified? 3:37:55PM
25 A I don't recall. 3:35:57PM	25 A He never completed certification. 3:37:58PM
Page 270	Page 272
1 GEORGE HESSE	1 GEORGE HESSE
Q Did she fill out the forms? 3:35:59PM	2 Q And when was he employed up until as a 3:38:09PM
3 MR. NOVIKOFF: Objection. 3:36:04PM	3 police officer?
4 A I believe she typed and hand writ some 3:36:04PM	4 A I don't know the exact date when he 3:38:18PM
of them. I don't know if she signs off on them	5 was no longer employed. I don't know the exact
6 or Maryann Minerva signs off on them.	6 date.
7 Q How long did the process take from the 3:36:20PM	7 Q Do you know what year it was? 3:38:24PM
8 time that you learned of the problem to the time	8 A It may I'm just guessing, but 3:38:26PM
9 that well, strike that.	9 no, I don't recall. I don't recall.
Was the problem ever rectified? 3:36:25PM	10 Q Did he work at all in the season of 3:38:31PM
11 A Yes. 3:36:27PM	11 2006?
Q How was it rectified? What was done? 3:36:28PM	12 A Yes. 3:38:35PM
13 A All our officers are now certified by 3:36:31PM	Q Okay. So he was still working at the 3:38:36PM
14 Civil Service.	14 beach as an uncertified police officer after the
Q And the ones who weren't certified 3:36:35PM	plaintiffs in this case were let go?
16 stepped down or were fired or	16 A Yes. 3:38:45PM
17 A Yes. 3:36:39PM	17 Q And at that point in time, did you 3:38:47PM
18 Q took different positions; is that 3:36:40PM	18 know that he was not certified?
19 what happened?	19 A Yes. 3:38:51PM
20 A Yes. 3:36:42PM	Q So the problem actually wasn't fully 3:38:58PM
Q Okay. How long between the time that 3:36:42PM you learned of the problem until rectifying the	21 rectified in the year and a half to two years, 22 correct?
you learned of the problem until rectifying the problem?	23 MR. NOVIKOFF: Objection to form. 3:39:03PM
24 A It may have taken a year and a half, 3:36:52PM	24 MR. CALLAHAN: Objection to the form. 3:39:06PM
·	2. Mr. C. L. M. H. Objection to the form. 3.37.001 W
almost two years to correct.	25 A It depends on when we started it. 3:39:07PM

68 (Pages 269 to 272)

_	13	170	
	Page 273		Page 275
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Exactly. 3:39:09PM	2	which would be the polygraph; and for unknown
3	A But I don't know exactly what the 3:39:10PM	3	circumstances, polygraph would not let him take
4	start date was, but I think it took somewhere in	4	the test.
5	the range of a year and a half to two years to	5	Q What do you mean by that? 3:40:46PM
6	rectify it.	6	A We feel there was some interference 3:40:50PM
7	· · · · · · · · · · · · · · · · · · ·		from the D.A.'s office, and they didn't permit
	Q Why did you let Arnold Hardman go if 3:39:19PM	7	• •
8	he wasn't certified	8	him to take the polygraph test.
9	MR. NOVIKOFF: Prior objection. 3:39:25PM	9	Q When did he apply to take the 3:41:02PM
10	BY MR. GOODSTADT: 3:39:26PM	10	polygraph test, if you know?
11	Q prior to the season of 2006? 3:39:26PM	11	A I don't know the exact date, but we 3:41:08PM
12	MR. NOVIKOFF: Now objection to 3:39:30PM	12	had three tentative dates set up. We went to
13	foundation because he testified that he had	13	two of them and we were turned away.
14	no hiring or firing authority until he was	14	Q What's the basis of your belief that 3:41:22PM
15	appointed deputy chief.	15	the D.A. interfered?
16	MR. GOODSTADT: Which was January of 3:39:36PM	16	A They wouldn't give us a reason why 3:41:25PM
17	'06. Now I'm talking about April '06.	17	they wouldn't let him take the test, and we were
18	MR. NOVIKOFF: No. I think you 3:39:39PM	18	under investigation at that point.
19	mentioned before the season.	19	Q So what leads you to the conclusion 3:41:31PM
20	MR. GOODSTADT: Yeah. 3:39:44PM	20	that the D.A. actually interfered with the
21	MR. NOVIKOFF: Okay, I understand. 3:39:44PM	21	ability of Mr. Hardman to take the test?
22	Okay, you're right.	22	A Because that's my feeling. 3:41:38PM
23	MR. GOODSTADT: The decision was made 3:39:45PM	23	Q Do you recall when he was scheduled, 3:41:41PM
24	after he was deputy chief.	24	what year it was he was scheduled to go take the
25	MR. NOVIKOFF: You're right. You're 3:39:47PM	25	test?
	Page 274		Page 276
1		1	
1 2	GEORGE HESSE	1 2	GEORGE HESSE
2	GEORGE HESSE right.	2	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM
2	GEORGE HESSE right.  MR. CONNOLLY: I'm just going to ask 3:39:48PM	2	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM  Q Do you recall what year it was? 3:41:52PM
2 3 4	GEORGE HESSE right.  MR. CONNOLLY: I'm just going to ask 3:39:48PM that we read the question back now.	2 3 4	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM  Q Do you recall what year it was? 3:41:52PM  A 2006. 3:41:53PM
2 3 4 5	GEORGE HESSE right. MR. CONNOLLY: I'm just going to ask 3:39:48PM that we read the question back now. MR. GOODSTADT: Okay. 3:39:51PM	2 3 4 5	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM  Q Do you recall what year it was? 3:41:52PM  A 2006. 3:41:53PM  Q 2006? 3:41:54PM
2 3 4	GEORGE HESSE right.  MR. CONNOLLY: I'm just going to ask 3:39:48PM that we read the question back now.  MR. GOODSTADT: Okay. 3:39:51PM MR. CONNOLLY: Or you can repeat it. 3:39:51PM	2 3 4 5 6	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM  Q Do you recall what year it was? 3:41:52PM  A 2006. 3:41:53PM  Q 2006? 3:41:54PM  A Yeah. 3:41:54PM
2 3 4 5 6 7	GEORGE HESSE right.  MR. CONNOLLY: I'm just going to ask 3:39:48PM that we read the question back now.  MR. GOODSTADT: Okay. 3:39:51PM MR. CONNOLLY: Or you can repeat it. 3:39:51PM MR. GOODSTADT: It's been so long ago, 3:39:51PM	2 3 4 5 6 7	GEORGE HESSE  A I don't know the exact dates. No. 3:41:46PM  Q Do you recall what year it was? 3:41:52PM  A 2006. 3:41:53PM  Q 2006? 3:41:54PM  A Yeah. 3:41:54PM  Q Did he apply to take the test well, 3:42:01PM
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69 (Pages 273 to 276)

		171	
	Page 277		Page 279
1	GEORGE HESSE	1	GEORGE HESSE
2	A It was in the heart of the season. I 3:42:53PM	2	he or someone on his behalf reached out to the
3	believe it might have been in the latter of	3	county to reschedule the test after he didn't
4	July, you know, one of the scheduled dates.	4	appear in '05?
5	That might have been one of the last time that	5	A I don't know. I would've been the 3:44:31PM
6	we even tried.	6	
7		7	only one that would have rescheduled his test, so I don't recall.
	Q How often does the county administer 3:43:06PM		
8	polygraph tests?	8	Q Do you have anything that would 3:44:38PM
9	MR. NOVIKOFF: Objection. 3:43:11PM	9	refresh your recollection? Take any notes of
10	BY MR. GOODSTADT: 3:43:11PM	10	these calls?
11	Q Back then, in '05. 3:43:12PM	11	A Not that I recall. 3:44:42PM
12	MR. NOVIKOFF: Same objection. 3:43:13PM	12	Q How did you alert the officers when 3:44:43PM
13	A It's by appointment. 3:43:14PM	13	their scheduled dates were coming up?
14	Q Do they administer it all year round? 3:43:16PM	14	A Just by cell phone by telephone. 3:44:48PM
15	MR. NOVIKOFF: Objection. 3:43:19PM	15	Q So you would call them? 3:44:50PM
16	A Yes. 3:43:20PM	16	A Yeah. 3:44:52PM
17	Q So you can call and get on the 3:43:20PM	17	Q Did you ever do anything in writing, 3:44:52PM
18	schedule any time of the year?	18	either by E-mail or a memo or a letter?
19	MR. NOVIKOFF: Objection. 3:43:24PM	19	A Sometimes I would write it right on 3:44:55PM
20	BY MR. GOODSTADT: 3:43:25PM	20	the front of their application pack. Maybe I'd
21	Q Or fill out a form and schedule any 3:43:27PM	21	just write it down on a note.
22	time of the year?	22	Q Do you know whether you wrote anything 3:45:02PM
23	MR. NOVIKOFF: Objection. 3:43:31PM	23	down with respect to Hardman?
24	A I'm sure they could perform the test 3:43:32PM	24	A I may have wrote something on the face 3:45:05PM
25	at any time of the year. It depends on their	25	of his application, but I did that sometimes. I
	Page 278		Page 280
	Page 278		Page 280
1	GEORGE HESSE	1	GEORGE HESSE
2	GEORGE HESSE availability.	2	GEORGE HESSE didn't do it all the time. I don't know.
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70 (Pages 277 to 280)

	13	172
	Page 281	Page 283
1	GEORGE HESSE	1 GEORGE HESSE
2	eventually did not become certified?	2 arranging this application, I found it online
3	A Danny Shook, John Dyer. Bill Walsh, 3:46:28PM	3 for another job. I don't remember what the
4	he was never scheduled to do anything. He just	4 other job was.
5	went on to work at the D.A.'s office in Nassau.	5 Q Eddie Carter didn't get you a copy of 3:48:50PM
6	I said John Dyer? Did I say him? 3:46:46PM	6 that from somebody in Quogue?
7	Q You did. 3:46:49PM	7 A That? You know what, I don't know. I 3:48:55PM
8	A Bullis decided not to take the battery 3:46:51PM	8 think I got it online.
9	of tests. He stepped down. I'm not sure who	9 Q Did you ever allow any of the 3:49:03PM
10	else.	10 uncertified officers to review the polygraph
11	Q What happened to Dyer? Did he step 3:47:00PM	11 questionnaire from Frank Fiorillo's personnel
12	down or was he fired?	12 jacket?
13	A I let him go. 3:47:03PM	13 A No. 3:49:13PM
14	Q When did that happen? 3:47:04PM	14 Q Are the police officer personnel 3:49:16PM
15	A In 2006. 3:47:12PM	15 jackets kept in the station?
16	Q When did you let him go in 2006? 3:47:15PM	16 A Yes. 3:49:20PM
17	A Because he failed the polygraph. 3:47:17PM	17 Q Where in the station? 3:49:20PM
18	Q When did you let him go? 3:47:19PM	A Now they're kept in a locked filing 3:49:21PM
19	A Well, he didn't work the whole winter 3:47:23PM	19 cabinet.
20	of '05 in through '06. So I think officially	20 <b>Q</b> How about in '05? 3:49:24PM
21	might have been April 4th by memo to the village	21 A In '05, they were kept in a filing 3:49:26PM
22	office.	22 cabinet.
23	Q If he failed the polygraph, would he 3:47:44PM	23 <b>Q Unlocked? 3:49:29PM</b>
24	have the opportunity to take it again?	24 A Unlocked. 3:49:29PM
25	A Yes. 3:47:49PM	Q Did Allen Loeffler pass all tests that 3:49:41PM
	Page 282	Page 284
1	Page 282	Page 284
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE  Q And he elected not to or you 3:47:49PM	1 GEORGE HESSE 2 are required to be a police officer?
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71 (Pages 281 to 284)

	Page 285		Page 287
1	GEORGE HESSE	1	GEORGE HESSE
2	this is a letter from the State of New York,	2	A I'm not sure. 3:52:32PM
3	Division of Criminal Justice Services. Second	3	Q What was the attempt that was made to 3:52:41PM
4	paragraph, it says, "We've conducted a search of	4	resolve the issue?
5	our registry" records "registry and training	5	MR. NOVIKOFF: Objection. Foundation. 3:52:44PM
6	records, finding that Police Officer Allen	6	Go ahead. 3:52:45PM
7	Loeffler, who is registered as a police officer	7	MR. CONNOLLY: Objection. 3:52:47PM
8	with the Ocean Beach Village Police Department,	8	You can answer. 3:52:48PM
9	has not successfully completed the basic course	9	A Okay. I actually called the police 3:52:49PM
10	for police officers."	10	academy academy to see if they could pull
11	Do you see that? 3:51:32PM	11	some records from back then, 1973; and out of
12	A Yes. 3:51:33PM	12	all the class files, they could not the class
13	Q Do you know what that refers to? 3:51:34PM	13	that he was in.
14	A It's stating that they say that he 3:51:35PM	14	Q Uh-huh. So to this day, do you know 3:53:07PM
15	never completed the police academy.	15	whether there's ever been any confirmation,
16	Q Do you know whether this was ever 3:51:42PM	16	official confirmation that he graduated the
17	resolved one way or the other?	17	academy?
18	MR. NOVIKOFF: Objection. You haven't 3:51:46PM	18	A None that I've received. 3:53:17PM
19	asked him yet whether or not he was ever	19	Q Did you ever discuss with Allen 3:53:41PM
20	aware of this since it was sent. It went to	20	Loeffler why he stopped working as a police
21	Paradiso.	21	officer in Ocean Beach?
22	BY MR. GOODSTADT: 3:51:51PM	22	A I don't recall. 3:53:49PM
23	Q Well, have you ever heard of that 3:51:52PM	23	Q How many years did he work on the 3:53:51PM
24	issue?	24	Ocean Beach force?
25	A Yes. 3:51:53PM	25	A I'd like to say on and off since 1970. 3:53:59PM
	Page 286		Page 288
-			
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Okay. 3:51:54PM	2	Q If he did not pass the academy or 3:54:02PM
3	BY MR. GOODSTADT: 3:51:55PM	3	graduate the academy, do you know whether that
4	Q When did you hear of it? 3:51:55PM	4	would be a violation of New York State Civil
5	A I don't recall. 3:51:56PM	5	Service law?
6	Q It was not in connection with this 3:51:58PM	6	MR. NOVIKOFF: Objection. 3:54:17PM
7	case, right?	7	MR. CALLAHAN: Objection. 3:54:18PM
8	MR. NOVIKOFF: Objection. Form. 3:52:01PM	8	MR. CONNOLLY: Objection. 3:54:19PM
9	A No. 3:52:02PM	9	A I have no idea. 3:54:19PM
10	Q So you learned about it before this 3:52:03PM	10	MR. GOODSTADT: Please mark that. 3:54:26PM
11	case?	11	(Whereupon, Bates document 5769 was 3:54:27PM
12	A Yes. 3:52:05PM	12	marked as Plaintiff's Exhibit 7 for
13	Q Okay. Do you know whether this issue 3:52:05PM	13	identification, as of this date.)
14	was ever resolved one way or the other?	14	MR. GOODSTADT: I've placed in front 3:54:52PM
15	A I believe there was an attempt to 3:52:10PM	15	of Mr. Hesse what's been marked as Hesse 7.
16	resolve it; but in my recollection, it has never	16	It's a one-page exhibit bearing Bates
17	been resolved.	17	No. 5769. (Handing.)
18	Q Do you know whether well, strike 3:52:21PM	18	BY MR. GOODSTADT: 3:55:00PM
19	that.	19	Q Mr. Hesse, have you ever seen this 3:55:01PM
20	When did Loeffler stop working for the 3:52:24PM	20	letter from the Suffolk County Department of
21	beach?	21	Civil Service?
22	A Off the top of my head, I don't know 3:52:26PM	22	A I may have. 3:55:09PM
23	what year.	23	Q And do you see on the second paragraph 3:55:16PM
24	Q He stop working because of this issue? 3:52:30PM	24	where it says, "Unless we receive notification
_	MD NOVIKOEE, Objection 2,50,22DM		
25	MR. NOVIKOFF: Objection. 3:52:32PM	25	that Mr. Loeffler has satisfied the criteria for

72 (Pages 285 to 288)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 73 of 236 PageID #: Page 289 Page 291 **GEORGE HESSE** 1 **GEORGE HESSE** 1 2 2 police officer certification, our records would seasonal part-time, whatever you want to call 3 3 indicate that his appointment was disapproved. them, were let go. They all were seeking other 4 Continued employment would be a violation of New 4 part-time seasonal police jobs. And I believe 5 York State Civil Service law." 5 we hired two of them. And from what I recall 6 6 Do you see that? 3:55:34PM was that because Ocean Beach just employed them 7 7 and put them on, that other villages that came Α Yes. 3:55:36PM 8 MR. NOVIKOFF: Are you going to read 3:55:37PM 8 in contact with these officers had made a gripe 9 9 the next sentence? that we, Ocean Beach, just employed these guys 10 10 BY MR. GOODSTADT: 3:55:39PM without having to go through a battery of Civil 11 11 **Q** "It is our understanding that 3:55:39PM Service tests, and they protested it. So I 12 Mr. Loeffler is no longer employed by the 12 believe someone contacted Civil Service and 13 village, but that his termination has not been 13 said, well, if Ocean Beach doesn't do it, why do 14 14 reported to us." we have to do it. 15 MR. NOVIKOFF: Okay. Thank you. 3:55:46PM 15 Q So you believe it was another village 3:58:15PM BY MR. GOODSTADT: 3:55:47PM police department? 16 16 A I believe so, yes. 17 Q The question is: Does this refresh 3:55:48PM 17 3:58:19PM 18 vour recollection as to whether it would be a 18 Did you ever hear anyone allege that 3:58:20PM 19 19 Civil Service violation if he had worked there it was Tommy Snyder who tipped off Civil Service 20 without passing or without graduating the 20 to that problem? 21 21 academy? A I've heard allegations of such, but 22 22 MR. NOVIKOFF: I'm going to object to 3:55:57PM not about Tom Snyder. 23 23 Q Who did you hear allegations about the question as to form, and the basis for 3:58:31PM 24 my objection is he didn't say he doesn't 24 that tipped off Civil Service? 25 recall. He says I have no clue. So I'm 25 Eddie Carter. 3:58:35PM Page 290 Page 292 1 **GEORGE HESSE** 1 GEORGE HESSE 2 2 Who told you that Ed Carter tipped off 3:58:44PM objecting to the form of the question. 3 MR. CONNOLLY: Similar objection. 3 Civil Service? 3:56:07PM 4 Please answer the question. 3:56:10PM 4 I don't recall. 3:58:47PM 5 5 A I wouldn't know. 3:56:11PM You don't recall who -- strike that. 3:58:48PM 6 Q Do you know how this certification 6 Where were you when you learned about 3:58:51PM 3:56:29PM 7 issue was brought to the Civil Service 7 that? 8 8 I don't recall. 3:58:53PM attention? Α 9 9 MR. NOVIKOFF: Objection to form. No 3:56:36PM Q Was it people on the department who 3:58:54PM 10 foundation. 10 mentioned that to you? 11 It may have been, yes. 11 MR. CALLAHAN: Same. 3:56:39PM 3:58:57PM 12 12 On Allen Loeffler specifically? 3:56:41PM Q Did you ever discuss that issue with 3:59:00PM 13 O No, just generally, that there were 3:56:44PM 13 the Bosettis? people at Ocean Beach working as police officers 14 MR. NOVIKOFF: What issue? 3:59:02PM 14 15 who were not certified. 15 MR. GOODSTADT: That Ed Carter tipped 3:59:03PM 16 MR. NOVIKOFF: Same objection. 3:56:50PM 16 off Civil Service, the claim that Ed Carter 17 3:56:51PM 17 tipped off the Civil Service to the fact I have an idea, yes. 18 And what's your idea? 3:56:52PM 18 that there were uncertified officers working O 19 There was an issue with -- we picked 3:56:55PM 19

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there.

MR. NOVIKOFF: I object to the form. 3:59:14PM

A There were protests made by other 3:59:15PM

part-time seasonal police officers to that fact,
but I let it be known where I actually heard it
from.

Q Who issued or lodged these protests? 3:59:22PM

73 (Pages 289 to 292)

up a couple of police officers that once worked

were strictly seasonal. And the New York State

part-time seasonal program, and a bunch of those

for the state park police as part-time seasonal

police officers. It should be seasonal. They

park police decided to do away with their

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	<u> </u>	<u> 175                                      </u>
	Page 293	Page 295
1	GEORGE HESSE	1 GEORGE HESSE
2	A Gary Bosetti, Ty Bacon. I don't 3:59:28PM	2 Q Do you have a list anywhere of names 4:01:34PM
3	recall if anybody else ever really protested it.	3 that you posted under?
4	Q Did you ever hear either Bosetti or 3:59:37PM	4 A I don't currently have a list, no. 4:01:38PM
5	Bacon refer to Ed Carter as a rat?	5 Q Did you ever have a list? 4:01:40PM
6	A I don't recall. 3:59:44PM	6 A Just what was on the blog. 4:01:41PM
7	Q Did you ever hear them refer to Ed 3:59:45PM	7 Q And what where did you post these 4:01:43PM
8	Carter as a Civil Service rat?	8 25 to 30 I know you posted them on the
9	A I don't recall. 3:59:49PM	9 Schwartz report. But where physically were you
10	Q Did you ever hear them, either of 3:59:50PM	when you were posting these 25 to 30 posts?
11	them, refer to any of the plaintiffs as a rat?	11 A From my house. 4:01:53PM
12	A I don't recall. 3:59:54PM	Q Did you ever post from the Ocean Beach 4:01:54PM
13	Q Did you ever hear them refer to any of 3:59:55PM	13 Police Department?
14	the plaintiffs as a Civil Service rat?	14 A A couple. 4:01:57PM
15	A I really don't recall. 4:00:01PM	15 Q How many times did you post from the 4:02:02PM
16	Q Did you ever hear anyone refer to the 4:00:03PM	16 police department?
17	plaintiffs or any of the plaintiffs as a rat?	17 A I don't recall. 4:02:05PM
18	A I don't recall. 4:00:07PM	Q Which house did you post from? 4:02:06PM
19	Q Did you ever hear anyone refer to any 4:00:07PM	1 9 A 191 The Helm. 4:02:08PM
20	of the plaintiffs as a Civil Service rat?	Q Are you aware of any other current or 4:02:17PM
21	A I don't recall. 4:00:12PM	21 former Ocean Beach police officers who post on
22	Q Do you have anything that would 4:00:12PM	22 the blog?
23	refresh your recollection?	A Nobody that's openly admitted to me, 4:02:25PM
24	A No. 4:00:15PM	24 no.
25	Q Did you ever refer to any of the 4:00:15PM	Q Did you ever see anyone post on the 4:02:29PM
	Page 294	Page 296
1	Page 294	Page 296
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE plaintiffs as a rat?	1 GEORGE HESSE 2 blog in the police station, other than for
2	GEORGE HESSE plaintiffs as a rat? A Yes. 4:00:22PM	1 GEORGE HESSE 2 blog in the police station, other than for 3 yourself?
2 3 4	GEORGE HESSE  plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM	GEORGE HESSE blog in the police station, other than for yourself? A No. 4:02:34PM
2 3 4 5	GEORGE HESSE  plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM rat?	GEORGE HESSE blog in the police station, other than for yourself? A No. 4:02:34PM MR. GOODSTADT: Tape's over. 4:02:37PM
2 3 4 5 6	GEORGE HESSE  plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM  rat?  A Frank Fiorillo. 4:00:25PM	1 GEORGE HESSE 2 blog in the police station, other than for 3 yourself? 4 A No. 4:02:34PM 5 MR. GOODSTADT: Tape's over. 4:02:37PM 6 THE VIDEOGRAPHER: Yeah. The time is 4:02:39PM
2 3 4 5 6 7	GEORGE HESSE  plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM  rat?  A Frank Fiorillo. 4:00:25PM  Q When did you refer to him as a rat? 4:00:28PM	GEORGE HESSE blog in the police station, other than for yourself? A No. 4:02:34PM MR. GOODSTADT: Tape's over. 4:02:37PM THE VIDEOGRAPHER: Yeah. The time is 4:02:39PM now 4:02 p.m. We are now off the record.
2 3 4 5 6 7 8	GEORGE HESSE  plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM  rat?  A Frank Fiorillo. 4:00:25PM  Q When did you refer to him as a rat? 4:00:28PM  A I believe it was on a blog. 4:00:30PM	GEORGE HESSE blog in the police station, other than for yourself? A No. 4:02:34PM MR. GOODSTADT: Tape's over. 4:02:37PM THE VIDEOGRAPHER: Yeah. The time is 4:02:39PM now 4:02 p.m. We are now off the record. (Whereupon, a discussion was held off 4:02:59PM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	plaintiffs as a rat?  A Yes. 4:00:22PM  Q Which plaintiffs did you refer to as a 4:00:22PM rat?  A Frank Fiorillo. 4:00:25PM  Q When did you refer to him as a rat? 4:00:28PM  A I believe it was on a blog. 4:00:30PM  Q So you posted on the blog referring to 4:00:38PM  Frank Fiorillo as a rat?  A Yes. 4:00:41PM  Q Which blog? 4:00:42PM  A The Schwartz report, 4:00:43PM  LongIslandpolitics.com.  Q What name did you post under? 4:00:49PM  A For that entry, I don't know. 4:00:54PM  Q How many times did you post on the 4:00:56PM  Schwartz report?  A Oh God, 25, 30 times, maybe. 4:01:01PM Q Under what names have you posted 4:01:05PM  under?  A Still Employed was one. Maybe Still 4:01:15PM  Employed 2. Dirty, Dirty 1, with the number	blog in the police station, other than for yourself?  A No. 4:02:34PM  MR. GOODSTADT: Tape's over. 4:02:37PM THE VIDEOGRAPHER: Yeah. The time is 4:02:39PM now 4:02 p.m. We are now off the record. (Whereupon, a discussion was held off 4:02:59PM the record.)  MR. GOODSTADT: Back on the record. 4:04:20PM Well, due to a scheduling problem, 4:04:25PM we've decided to break for the day, but Mr. Connolly has agreed to bring his client back for an additional day, not a full day, on another occasion to complete the deposition. I still have two hours and 35 minutes under the federal rules. We plan to make a motion to the court, unless we can agree to some additional time prior to that.  MR. CONNOLLY: That is my 4:04:49PM understanding.  MR. GOODSTADT: I also want to put on 4:04:50PM the record, to the extent that Mr. Hesse has

74 (Pages 293 to 296)

## Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 75 of 236 PageID #:

	<u>13</u>	176	
	Page 297		Page 299
1	GEORGE HESSE	1	PROCEEDINGS
2	discovery in his personal and professional	2	CERTIFICATE
3	capacities, just to make sure nothing gets	3	
4	destroyed, everything is preserved from here	4	I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Publi
5	on in his E-mails.	5	and for the State of New York, do hereby certify:
6	MR. CONNOLLY: That will be taken 4:05:12PM	6	THAT the witness whose testimony is hereinbefo
7	under advisement. I'll look into that.	7	set forth, was duly sworn by me; and
8	MR. GOODSTADT: Great. 4:05:15PM	8	THAT the within transcript is a true record
9	MR. NOVIKOFF: And so we're clear with 4:05:17PM	9	of the testimony given by said witness. I further
10	regard to Mr. Hesse, we are coming back on	10	certify that I am not related, either by blood or
11	the 16th to complete his deposition, at	11	marriage, to any of the parties to this action; and
12	least complete the deposition of plaintiffs	12	THAT I am in no way interested in the outcome
13	of Mr. Hesse up to seven hours, unless	13	this matter.
14	before that date the court grants more time	14	IN WITNESS WHEREOF, I have hereunto set
15	or there's an agreement. And in addition,	15	my hand this 8th day of June, 2009.
16	certainly the village will have its	16	
17	opportunity on the 16th or a date	17	
18	thereafter to continue, and I presume the	18	JUDI JOHNSON, RPR, CRR, CLR
19	county as well.	19	
20	MR. GOODSTADT: And his own lawyer, 4:05:49PM	20	
21	for that matter.	21	
22	(Continued on the next page to include 4:05:53PM	22	
23	jurat.)	23	
24		24	
25		25	
	Page 298		Page 300
1	GEORGE HESSE	1	PROCEEDINGS
2	MR. NOVIKOFF: And his own lawyer, for 4:05:53PM	2	INDEX
3	that matter.	3	ATTORNEY PAGE
4	MR. GOODSTADT: I have no objections 4:05:53PM	4	By Mr. Goodstadt 7
5	to any of that.	5	·
6	(Time noted 4:05 p.m.) 4:05:55PM	6	
7		7	
8	GEORGE HESSE	8	
9	Colored and and are to be form	9	
10	Subscribed and sworn to before me this day of , 2009	10	
11	tills day of , 2009	11	
12	<del></del>	12	INDEX OF HESSE EXHIBITS
13		13	I.D. DESCRIPTION PAGE
14		14	Exhibit 1 Bates document 3856 122
15		15	Exhibit 2 Bates document 3847 140
16		16	Exhibit 3 Bates document 3845-46 155
17		17	Exhibit 4 Bates document 28 173
18		18	Exhibit 5 A letter dated January 2007 184
19		19	Exhibit 6 Bates document 5773 284
20		20	Exhibit 7 Bates document 5769 288
21		21	
22		22	
23		23	
24		24	
25		25	

75 (Pages 297 to 300)

## Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 76 of 236 PageID #:

	لبكيالبكيا	
	Page 301	
1	ERRATA SHEET	
2	NAME OF CASE: CARTER V. OCEAN BEACH	
3	DATE OF DEPOSITION: June 3, 2009	
4	NAME OF WITNESS: GEORGE HESSE	
5	NAME OF WITNESS. GEORGE HESSE	
6	Reason codes:	
7	1. To clarify the record.	
8	2. To conform to the facts	
9	3. To correct the transcription	
10	errors.	
11	Page Line Reason	
	From to	
	Page Line Reason	
	From to	
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16	From to	I
17	Page Line Reason	I
18	From to	I
	Page Line Reason	
	From to	
21	Page Line Reason	
23	From to	
24		
2 1	GEORGE HESSE	
25	GEORGE HESSE	
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76 (Page 301)

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			178	}
		Page 302		Page 304
			1	GEORGE HESSE
	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK		2	APPEARANCES:
	EDWARD CARTER, FRANK FIORILO,	X	3	THOMPSON WIGDOR & GILLY, LLP
	KEVIN LAMM, JOSEPH NOFI, and	)	4	Attorneys for the Plaintiffs
	THOMAS SNYDER,	)	5	85 Fifth Avenue
	Plaintiffs,	)	6	New York, New York 10003
	-against-	)	7	DV ANDROWS COORSTAND FOO
		) Index No. ) CV 07 1215		BY: ANDREW S. GOODSTADT, ESQ.
	INCORPORATED VILLAGE OF OCEAN	)	8	MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.
	BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually	)	10	Attorneys for GEORGE B. HESSE
	and in his Official capacity;	)	11	530 Saw Mill Road
	former mayor NATALIE K.ROGERS, individually and in her	)	12	Elmsford, New York 10523
	official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING	)	13	
	DEPUTY POLICE CHIEF GEORGE B.	)		BY: KEVIN W. CONNOLLY, ESQ.
	HESSE, individually and in his official capacity; SUFFOLK	)	14	
	COUNTY; SUFFOLK COUNTY POLICE	)	15	
1	DEPARTMENT OF CIVIL SERVICE; and ALLISON SANCHEZ,	, )	16	RIVKIN RADLER, LLP
	individually and in her official capacity,	)	17	
	• • •	)	18	Attorneys for INCORPORATED VILLAGE OF OCEAN BEACH,
	Defendants.	) X	19	JOSEPH LOEFFLER, NATALIE ROGERS AND OCEAN BEACH
	***VOLUME II***		20	POLICE DEPARTMENT
	CONTINUED DEPOSITION OF G Uniondale, New Yo		21 22	926 RexCorp Plaza
	June 16, 2009		23	Uniondale, New York 11556-0926
				BY: KENNETH A. NOVIKOFF, ESQ.
	Reported by:		24	MICHAEL SCHNEPPER, ESQ. (A.M. SESSION ONLY)
	Judi Johnson, RPR, CRR, CLR Job No.: 23331		25	
		Page 303		Page 305
1			1	GEORGE HESSE
2	926 RexCorp Pla	za	2	
	Uniondale, New		3	BEE READY FISHBEIN HATTER & DONOVAN, LLP
3			4	
4	June 16, 2009		5	Attorneys for SUFFOLK COUNTY
	10:00 A.M.		6	170 Old Country Road
5			7	Mineola, New York 11501
6			8	DAY AVOTE DD FORDATI
7			_	BY: (NOT PRESENT)
8			9	
9			10	
10			11 12	
11 12			13	
13	Deposition of GEORGE I	JESSE held at	$\begin{bmatrix} 13 \\ 14 \end{bmatrix}$	, , , , , , , , , , , , , , , , , , ,
14	the offices of RIVKIN RADL		$  14 \\   15 $	· · ·
15	RexCorp Plaza, Uniondale, N		16	11 0
16	to Notice, before Judi Johnson		- "	BY: CHRIS TERMINI, ESQ.
17	Professional Reporter, a Certi		17	
18	Reporter, a Certified LiveNote		18	
19	Notary Public of the State of I		19	
20	,		20	
21			21	KEVIN LAMM
22			22	JOE NOFI - A.M. SESSION ONLY
23			23	
24			24	
25			25	

1 (Pages 302 to 305)

		179	1 11100 01/13/10 1 age 10 01 2301 age 15 #.
	Page 306		Page 308
1	GEORGE HESSE	1	GEORGE HESSE
2	IT IS HEREBY STIPULATED AND AGREED by	2	MR. GOODSTADT: Andrew Goodstadt, 10:28:20AM
3	and between the attorneys for the respective	3	Thompson, Wigdor & Gilly, on behalf of the 10:28:25AM
4	parties herein, that filing and sealing and	4	plaintiffs. 10:28:28AM
5	the same are hereby waived.	5	MR. CONNOLLY: Kevin W. Connolly of 10:28:28AM
6	IT IS FURTHER STIPULATED AND AGREED	6	Marks, O'Neill, O'Brien & Courtney, on 10:28:29AM
7	that all objections, except as to the form	7	behalf of the Defendant Hesse. 10:28:31AM
8	of the question, shall be reserved to the	8	MR. NOVIKOFF: On behalf of the 10:28:33AM
9	time of the trial.	9	village defendants, Ken Novikoff, and with 10:28:33AM
10	IT IS FURTHER STIPULATED AND AGREED	10	me is Michael Schnepper, Rivkin Radler. 10:28:35AM
11	that the within deposition may be sworn to	11	MR. TERMINI: And for Suffolk County 10:28:39AM
12	and signed before any officer authorized to	12	and the Suffolk County defendants, Assistant 10:28:40AM
13	administer an oath, with the same force and	13	County Attorney Chris P. Termini. 10:28:41AM
14	effect as if signed and sworn to before the	14	MR. NOVIKOFF: Andrew, same stips as 10:28:55AM
15	Court.	15	in every other deposition? 10:28:57AM
16	Court.	16	MR. GOODSTADT: Yes. 10:28:59AM
17	- 000 -	17	MR. NOVIKOFF: And same agreement with 10:29:01AM
18	- 000 -	18	regard to the phrase of rehire versus 10:29:02AM
19		19	termination in your questioning and my 10:29:04AM
20		20	questioning? 10:29:06AM
21		21	MR. GOODSTADT: Until we establish 10:29:08AM
22		22	something different possibly. 10:29:09AM
23		23	MR. NOVIKOFF: Yes. 10:29:10AM
24		24	MR. CONNOLLY: And objection by one 10:29:13AM
25		25	counsel is an objection by all? 10:29:15AM
	Page 307		Page 309
4			
1	GEORGE HESSE	1	GEORGE HESSE
2	GEORGE HESSE,	2	MR. NOVIKOFF: Sure. I'm fine with 10:29:18AM
3	Called as a witness herein, having	3	that. 10:29:19AM
4	first been duly sworn, was examined and	4	Are you fine with that? 10:29:20AM
5	testified as follows:	5	MR. GOODSTADT: Yeah, I'm fine with 10:29:21AM
6	BY THE REPORTER:	6	that. All objections other than as to form 10:29:22AM
7	Q Please state your name and address for	7 8	are preserved. 10:29:26AM EXAMINATION 10:29:27AM
8 9	the record.  A George Hesse, 623 Bay Walk, P.O. Box	9	EXAMINATION 10:29:27AM BY MR. GOODSTADT: 10:29:28AM
	A George Hesse, 623 Bay Walk, P.O. Box 425, Ocean Beach, New York 11770.	10	
10 11	THE VIDEOGRAPHER: This is the start 10:27:46AM	11	Q Good morning, Mr. Hesse. 10:29:29AM A Good morning. 10:29:30AM
12	of the tape labeled Number 1 of the 10:27:47AM	12	Q Thank you for returning. 10:29:31AM
13	continuation of the videotaped deposition of 10:27:49AM	13	I just want to remind you that you are 10:29:32AM
14	George Hesse in the matter Carter, Fiorillo 10:27:52AM	14	under oath and that you're sworn to tell the 10:29:33AM
15	versus Incorporated Village of Ocean Beach. 10:27:56AM	15	truth, and failure to do so can result in some 10:29:34AM
16	This deposition is being held at 92006 10:28:00AM	16	criminal sanctions. 10:29:36AM
17	RexCorp Plaza in Uniondale, New York on 10:28:06AM	17	Do you understand that? 10:29:36AM
18	June 16th, 2009, at approximately 10:28:11AM	18	A I do. 10:29:37AM
19	10:30 a.m. 10:28:12AM	19	Q Between the first day of your 10:29:38AM
20	My name is Jordan Mummert from TSG 10:28:13AM	20	deposition on June 3rd and today, did you review 10:29:41AM
21	Reporting, Inc. I'm the legal video 10:28:16AM	21	the transcript of your first deposition? 10:29:44AM
22	specialist. The court reporter is Judi 10:28:18AM	22	A No. 10:29:47AM
23	Johnson, in association with TGS Reporting. 10:28:19AM	23	Q Did you review any excerpts of your 10:29:47AM
24	Would counsel please introduce 10:28:20AM	24	transcript 10:29:48AM
25	yourself. 10:28:20AM	25	A No. 10:29:50AM
_ ~	J = =======		1012710 01 111

2 (Pages 306 to 309)

	13	180
	Page 310	Page 312
1	GEORGE HESSE	1 GEORGE HESSE
2	Q of your first deposition? 10:29:50AM	2 <b>Q</b> Yes. 10:31:17AM
3	I just want to remind you to let me 10:29:52AM	3 MR. NOVIKOFF: Objection. 10:31:18AM
4	finish my question before you answers, and I'll 10:29:54AM	4 Has he seen them or is he aware that 10:31:19AM
5	let you finish your answer. Okay? 10:29:56AM	5 he's gotten any? 10:31:21AM
6	A Yes. 10:29:56AM	6 BY MR. GOODSTADT: 10:31:23AM
7		
8		, ,
9	today's deposition? 10:29:58AM A Yes. 10:30:00AM	F
10	Q What did you do to prepare for today's 10:30:00AM	10 Q Have you ever are you aware any of 10:31:30AM
11 12	deposition? 10:30:03AM	performance evaluations that have ever been 10:31:34AM prepared for you? 10:31:36AM
	A I met with my attorney, Kevin 10:30:03AM	PP
13	Connolly, yesterday. 10:30:05AM	13 A No. 10:31:37AM
14	Q For how long? 10:30:07AM	MR. GOODSTADT: Just mark this. 10:31:41AM
15	A Maybe four hours. 10:30:09AM	15 (Whereupon, Bates document 4547-488 10:31:43AM
16	Q Where did you meet with him? 10:30:10AM	was marked as Plaintiff's Exhibit 8 for 10:31:43AM
17	A In Westchester Elmsford, at his 10:30:12AM	17 identification, as of this date.) 10:31:43AM
18	office. 10:30:14AM	MR. GOODSTADT: I've placed in front 10:32:19AM
19	Q And who was present during that 10:30:15AM	of Mr. Hesse what's been marked as Hesse 8. 10:32:21AM
20	meeting? 10:30:17AM	20 It is a two-page exhibit bearing Bates 10:32:24AM
21	A Just he and I. 10:30:17AM	21 numbers 4547 and 4548. 10:32:26AM
22	Q Did you review any documents during 10:30:18AM	22 BY MR. GOODSTADT: 10:32:29AM
23	that meeting? 10:30:21AM	Q Mr. Hesse, have you ever seen this 10:32:30AM
24	A Yes. 10:30:23AM	24 document that's been marked as Hesse 8? 10:32:32AM
25	Q How many documents did you review? 10:30:24AM	A I've seen the document, but not this 10:32:35AM
	<u> </u>	
	Page 311	Page 313
1	Page 311	Page 313
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE  A Maybe five. 10:30:28AM	1 GEORGE HESSE 2 particular document. 10:32:37AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	GEORGE HESSE  A Maybe five. 10:30:28AM  Q Which ones? 10:30:29AM  A They pertained to an incident that 10:30:31AM took place October 31st of 2004 that dealt 10:30:33AM with we all call the Halloween incident. 10:30:37AM There may have been a couple of statements, a 10:30:43AM few statements. 10:30:46AM  Q Any other documents other than for the 10:30:47AM statements from the Halloween incident that you 10:30:50AM reviewed in preparation for today's deposition? 10:30:53AM A No. 10:30:54AM  Q Did you take the sergeant's test on 10:30:55AM June 14th? 10:30:57AM A Yes, I did. 10:30:58AM Q And when do you find out what your 10:30:59AM score is, whether you passed or failed? 10:31:01AM A I'm not really sure. Maybe November. 10:31:04AM Q So you don't know as of today whether 10:31:07AM you passed or failed? 10:31:10AM A No. 10:31:10AM  Q During your employment at Ocean Beach, 10:31:10AM	particular document. 10:32:37AM  Q You've seen the form? 10:32:37AM  A I've seen the form, correct. 10:32:39AM  Q What's is this form? 10:32:40AM  A It's a yearly performance report. 10:32:41AM  Q Is this something that you've 10:32:43AM  completed for other officers at Ocean Beach? 10:32:45AM  A Yes. 10:32:46AM  Q What year did you start completing 10:32:47AM  these for other officers in Ocean Beach? 10:32:49AM  A I started in 2007. 10:32:51AM  Q And prior to 2007, do you know whether 10:32:53AM  there were any written performance evaluations 10:32:56AM  provided to any officers in Ocean Beach? 10:33:00AM  A I am unaware of any forms. 10:33:00AM  A I am unaware of any forms. 10:33:06AM  providing officers with yearly performance 10:33:09AM  evaluations? 10:33:11AM  MR. NOVIKOFF: Objection to form. 10:33:13AM  A I did. 10:33:14AM  Q And why did you make that decision? 10:33:15AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	GEORGE HESSE  A Maybe five. 10:30:28AM  Q Which ones? 10:30:29AM  A They pertained to an incident that 10:30:31AM took place October 31st of 2004 that dealt 10:30:33AM with we all call the Halloween incident. 10:30:37AM  There may have been a couple of statements, a 10:30:43AM few statements. 10:30:46AM  Q Any other documents other than for the 10:30:47AM statements from the Halloween incident that you 10:30:50AM reviewed in preparation for today's deposition? 10:30:53AM  A No. 10:30:54AM  Q Did you take the sergeant's test on 10:30:55AM  June 14th? 10:30:57AM  A Yes, I did. 10:30:58AM  Q And when do you find out what your 10:30:59AM score is, whether you passed or failed? 10:31:01AM  A I'm not really sure. Maybe November. 10:31:04AM  Q So you don't know as of today whether 10:31:07AM you passed or failed? 10:31:10AM  A No. 10:31:10AM  Q During your employment at Ocean Beach, 10:31:10AM have you received any written performance 10:31:12AM evaluations? 10:31:14AM	particular document. 10:32:37AM  Q You've seen the form? 10:32:37AM  A I've seen the form, correct. 10:32:39AM  Q What's is this form? 10:32:40AM  A It's a yearly performance report. 10:32:41AM  Q Is this something that you've 10:32:43AM  completed for other officers at Ocean Beach? 10:32:45AM  A Yes. 10:32:46AM  Q What year did you start completing 10:32:47AM  these for other officers in Ocean Beach? 10:32:49AM  A I started in 2007. 10:32:51AM  Q And prior to 2007, do you know whether 10:32:53AM  there were any written performance evaluations 10:32:56AM  provided to any officers in Ocean Beach? 10:33:00AM  A I am unaware of any forms. 10:33:00AM  A I am unaware of any forms. 10:33:06AM  providing officers with yearly performance 10:33:09AM  evaluations? 10:33:11AM  MR. NOVIKOFF: Objection to form. 10:33:13AM  A I did. 10:33:14AM  Q And why did you make that decision? 10:33:15AM  A Well, in light of recent events, I 10:33:17AM  thought it would be good to have some sort of a 10:33:20AM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  A Maybe five. 10:30:28AM  Q Which ones? 10:30:29AM  A They pertained to an incident that 10:30:31AM took place October 31st of 2004 that dealt 10:30:33AM with we all call the Halloween incident. 10:30:37AM  There may have been a couple of statements, a 10:30:43AM few statements. 10:30:46AM  Q Any other documents other than for the 10:30:47AM statements from the Halloween incident that you 10:30:50AM reviewed in preparation for today's deposition? 10:30:53AM  A No. 10:30:54AM  Q Did you take the sergeant's test on 10:30:55AM  June 14th? 10:30:57AM  A Yes, I did. 10:30:58AM  Q And when do you find out what your 10:30:59AM score is, whether you passed or failed? 10:31:01AM  A I'm not really sure. Maybe November. 10:31:04AM  Q So you don't know as of today whether 10:31:07AM you passed or failed? 10:31:08AM  A No. 10:31:10AM  Q During your employment at Ocean Beach, 10:31:10AM have you received any written performance 10:31:12AM	1 GEORGE HESSE 2 particular document. 10:32:37AM 3 Q You've seen the form? 10:32:37AM 4 A I've seen the form, correct. 10:32:39AM 5 Q What's is this form? 10:32:40AM 6 A It's a yearly performance report. 10:32:41AM 7 Q Is this something that you've 10:32:43AM 8 completed for other officers at Ocean Beach? 10:32:45AM 9 A Yes. 10:32:46AM 10 Q What year did you start completing 10:32:47AM 11 these for other officers in Ocean Beach? 10:32:49AM 12 A I started in 2007. 10:32:51AM 13 Q And prior to 2007, do you know whether 10:32:53AM 14 there were any written performance evaluations 10:32:56AM 15 provided to any officers in Ocean Beach? 10:33:00AM 16 A I am unaware of any forms. 10:33:02AM 17 Q Who made the decision to start 10:33:06AM 18 providing officers with yearly performance 10:33:09AM 19 evaluations? 10:33:11AM 20 MR. NOVIKOFF: Objection to form. 10:33:13AM 21 A I did. 10:33:14AM 22 Q And why did you make that decision? 10:33:15AM 23 A Well, in light of recent events, I 10:33:17AM

3 (Pages 310 to 313)

Page 314 Page 316 1 GEORGE HESSE 1 GEORGE HESSE 2 What do you mean in light of recent 10:33:29AM 2 Q evaluations for each of the officers in '07? 3 3 events? 10:33:30AM I did. 10:35:27AM 4 10:33:32AM 4 A Of this lawsuit. 10:35:28AM Q Did anyone else have any input? 5 Q Does Ocean Beach have a policy with 10:33:36AM 5 Α No. 10:35:31AM 6 respect to written performance evaluations? 10:33:38AM 6 MR. GOODSTADT: Can you mark this. 7 MR. NOVIKOFF: Objection. 7 10:33:42AM (Whereupon, Bates document 8189 and 10:36:06AM 8 8 5326 was marked as Plaintiff's Exhibit 9 for 10:36:06AM A You know, I believe something just 10:33:45AM 9 9 came up recently about doing yearly performance 10:33:47AM identification, as of this date.) 10:36:06AM 10 10 reports for every employee in the village. I 10:33:53AM MR. GOODSTADT: I've placed in front 10:36:46AM 11 just received a copy of a new form that the 10:36:46AM 11 10:33:56AM of Mr. Hesse what's now been marked as 12 village would like to use. 10:33:59AM 12 Hesse 9. It is a two-page exhibit, bearing 10:36:49AM 13 13 Bates numbers 8189 and 5326. And I When did you receive that? 10:34:01AM 10:36:53AM 10:34:02AM 14 14 I believe last week. represent these are not consecutively 10:36:57AM 15 1.5 Q Who did you receive it from? 10:34:05AM paginated, and they appear to be two 10:37:00AM A Maryanne Minerva. 16 10:34:06AM 16 separate performance evaluations, but I've 10:37:02AM 17 Other than for the form that you 17 marked as a single exhibit. 10:37:04AM 10:34:11AM 18 18 received, do you know whether there's any 10:34:12AM MR. NOVIKOFF: One is G. Bosetti and 10:37:06AM 19 the other one is Kevin Nowaski? 19 policy -- strike that. 10:34:14AM 10:37:08AM 20 Between 2000 and 2006, do you know 10:34:16AM 20 MR. GOODSTADT: Yes. 10:37:14AM 21 whether there was any policy in Ocean Beach with 10:34:19AM 21 BY MR. GOODSTADT: 10:37:16AM 22 22 respect to written performance evaluations? 10:34:21AM Q Mr. Hesse, do you recognize the 10:37:16AM 23 MR. NOVIKOFF: Objection. 10:34:25AM 23 documents that have been marked as Hesse 9? 10:37:18AM 24 None that I'm aware of. 10:34:26AM 24 10:37:21AM 25 Do you know whether Hesse 8, which 25 Q And what are these documents? 10:37:21AM Page 315 Page 317 1 GEORGE HESSE 1 GEORGE HESSE 2 2 appears to be a yearly performance report for 10:34:30AM Yearly performance reports for Gary 10:37:23AM 3 you, do you know whether that was ever 10:34:33AM 3 Bosetti and Kevin Nowaski. 10:37:27AM 4 completed? 10:34:35AM 4 Q If you look at the first page of 10:37:32AM 5 5 Hesse 9, 8189. A I don't think so, no. 10:34:36AM 10:37:32AM 10:37:35AM 6 6 Do you know who created this Hesse 8 10:34:37AM Α Yes. 7 that has your name and the year 2007 on there? 10:34:40AM 7 Q Is this your handwriting on the 10:37:36AM 8 10:34:42AM 8 document? 10:37:38AM Α 9 9 Who created that? 10:37:38AM 10:34:43AM Α 10 Paul Trosco. 10:34:44AM 10 Is there anybody else's handwriting on 10:37:38AM O Did he create them for all the 11 10:34:49AM 11 the document or is it all yours? 10:37:41AM 12 officers for '07? 10:34:51AM 12 It is all mine. 10:37:43AM 13 MR. NOVIKOFF: Objection. 10:34:53AM 13 And if you look at the bottom, it says 10:37:43AM 14 10:34:53AM "supervisor's signature." Is that your A Yes. 14 10:37:46AM 15 MR. CONNOLLY: By "create," do you 10:35:01AM 15 signature? 10:37:48AM 16 mean fill in the officers' names? 10:35:01AM 16 That is correct. 10:37:49AM 17 MR. GOODSTADT: The names, exactly. 10:35:04AM 17 And it's dated 1-31-08. 10:37:49AM 18 BY MR. GOODSTADT: 10:35:06AM 18 10:37:52AM Do you see that? 19 O Who actually created this form, if you 10:35:06AM 19 10:37:53AM Α 20 20 know? Is that the date that you completed 10:37:53AM 10:35:10AM Q 21 21 10:37:54AM A Paul Trosco. 10:35:10AM this? 22 Was that your suggestion, that he 10:35:13AM 22 Α Okay. 10:37:55AM 23 create a form? 10:35:14AM 23 What was your title at that time? 10:37:55AM

4 (Pages 314 to 317)

10:38:01AM

MR. NOVIKOFF: Objection.

A Deputy chief of police.

24

25

10:35:15AM

10:35:21AM

And who actually filled out the

24

25

Α

0

10:37:57AM

13	3182
Page 318	Page 320
1 GEORGE HESSE	1 GEORGE HESSE
2 Q And again, just so the record is 10:38:06AM	2 Q And again, you're telling Mr. Nowaski 10:39:38AM
3 clear, by that time, you had not passed your 10:38:08AM	3 that he needs to write more summons as well, 10:39:42AM
4 sergeant's test or your chief's test? 10:38:11AM	4 correct? 10:39:45AM
5 MR. NOVIKOFF: Objection. 10:38:15AM	5 A Yes. 10:39:45AM
6 A That's correct. 10:38:16AM	6 Q Was that a problem in the department, 10:39:46AM
7 Q If you look up at the top, it's Gary 10:38:16AM	7 that officers weren't writing enough summonses? 10:39:47AM
8 <b>Bosetti.</b> 10:38:19AM	8 MR. NOVIKOFF: Objection. Form. 10:39:50AM
9 <b>Do you see that? 10:38:19AM</b>	9 A I wouldn't say it was a problem, but I 10:39:51AM
10 A Yes, sir. 10:38:20AM	10 thought guys needed to step up some of their 10:39:54AM
Q And what was Mr. Bosetti's position in 10:38:20AM	11 work. 10:39:56AM
12 the department at that time? 10:38:21AM	12 Q And what was Mr. Nowaski's position in 10:39:57AM
A Part-time seasonal police officer. 10:38:23AM	13 <b>2007?</b> 10:40:01AM
14 Q And if you look under the on the 10:38:26AM	14 A Part-time seasonal police officer. 10:40:01AM
15 first set of lines that has your handwriting on 10:38:30AM	15 Q Did you actually deliver these reports 10:40:03AM
16 it, the second line says, "Needs to write more 10:38:32AM	16 to the different officers strike that. 10:40:06AM
17 <b>summons."</b> 10:38:36AM	17 Did you actually deliver Gary 10:40:09AM
18 <b>Do you see that?</b> 10:38:37AM	18 Bosetti's report to him? 10:40:11AM
19 A Yes. 10:38:37AM	19 A I don't what do you mean by 10:40:16AM
Q What did you mean by that? 10:38:38AM	20 "deliver"? 10:40:18AM
A I think he only wrote two for the 10:38:39AM	21 Q Actually sit down, go over it him, let 10:40:18AM
year, and I thought I expect him to write 10:38:42AM	22 him see a copy of it, discuss it with him. 10:40:22AM
23 more. 10:38:44AM	23 A No. 10:40:25AM
Q Did you ever tell other than for 10:38:45AM	Q Did he ever actually ever see a copy 10:40:25AM
25 this written evaluation, did you ever tell the 10:38:46AM	25 of this? 10:40:27AM
Page 319	Page 321
1 GEORGE HESSE	1 GEORGE HESSE
officers in Ocean Beach that they need to write 10:38:49AM	2 A I don't know. 10:40:27AM
3 more summons? 10:38:52AM	3 Q So you never showed him a copy of it? 10:40:28AM
4 MR. NOVIKOFF: Objection to form. 10:38:54AM	4 A I really I don't recall if I did. 10:40:30AM
5 A Yes. 10:38:55AM	5 Q What did you do with this after you 10:40:32AM
6 Q Do you know whether Chief Paradiso 10:38:55AM	6 filled it out? 10:40:34AM
7 ever told the officers at any time between 2000 10:38:58AM	7 A It went right into their employee 10:40:35AM
8 and 2006 that they need to write more summons? 10:39:01AM	8 packets, their folders. 10:40:37AM
9 A I don't know. 10:39:04AM	9 Q Personnel files? 10:40:40AM
10 Q You never heard him say that? 10:39:04AM	10 A Yes. 10:40:40AM
11 A I don't recall. 10:39:06AM	11 Q How about Mr. Nowaski, did you deliver 10:40:42AM
Q Do you recall ever being in a meeting 10:39:08AM	12 a copy of this to Mr. Nowaski? 10:40:44AM
13 where the chief put up on a board the number of 10:39:09AM	13 A No. 10:40:46AM
14 summons that people wrote? 10:39:12AM	14 Q Did you deliver a copy of the annual 10:40:47AM
15 A I don't recall that. 10:39:15AM	reports to any of the officers in '07? 10:40:49AM
16 Q If you look at the second page of this 10:39:27AM	16 A I don't recall if I did. 10:40:53AM
17 exhibit, 5226. 10:39:29AM	Q Did you ever receive an employee 10:40:57AM
18 <b>Do you see that?</b> 10:39:32AM	18 handbook at Ocean Beach? 10:40:59AM
19 A Yes. 10:39:32AM	19 A I did, yes. 10:41:01AM
Q Is this your handwriting again on this 10:39:33AM	Q When did you receive it? 10:41:03AM
21 document? 10:39:34AM	MR. NOVIKOFF: Objection. Form. 10:41:05AM
22 A Yes. 10:39:35AM	22 A Officially, in I'd like to say 10:41:14AM
Q And that's your signature under 10:39:35AM	23 '97ish.
	· / → · · · · · · · · · · · · · · · · ·
24 <b>"supervisor's signature"? 10:39:36AM</b> 25 A Yes. 10:39:38AM	25 A I believe it was a document that was 10:41:28AM

5 (Pages 318 to 321)

	13	183	
	Page 322		Page 324
1	GEORGE HESSE	1	GEORGE HESSE
2	formulated by someone in the village and it was 10:41:28AM	2	A The I believe Maryanne Minerva. 10:43:33AM
3	floating around for a while. It was never 10:41:28AM	3	Q Do you know whether the policies in 10:43:37AM
4	officially approved. And then one day it just 10:41:32AM	4	this handbook covered part-time or seasonal 10:43:38AM
5	kind of showed up. I still don't know if it was 10:41:35AM	5	employees? 10:43:41AM
6	approved. And to tell you, to this date, I 10:41:38AM	6	A I think very vaguely. I'd have to 10:43:41AM
7	don't think it was approved until somewhere in 10:41:40AM	7	read through it. 10:43:43AM
8	early 2000, 2001, '2. 10:41:43AM	8	Q You don't know one way or the other, 10:43:44AM
9	Q Approved by who? 10:41:46AM	9	sitting here? 10:43:45AM
10	A By the village board. 10:41:47AM	10	MR. NOVIKOFF: Objection. Asked and 10:43:48AM
11	Q The board actually voted on it, 10:41:49AM	11	answered. 10:43:50AM
12	approved it somewhere in 2000, 2002? 10:41:51AM	12	A Right now, no. 10:43:50AM
13	A I'm guessing. I don't recall. 10:41:53AM	13	Q If you turn to Page 5 it's Page 5 10:43:55AM
14	MR. GOODSTADT: Let's mark this. 10:41:58AM	14	of the book, but it's Bates numbered 9. 10:43:59AM
15	(Whereupon, Bates document 1-25 was 10:41:59AM	15	A (Witness complies.) Uh-huh. 10:44:02AM
16	marked as Plaintiff's Exhibit 10 for 10:41:59AM	16	Okay. 10:44:04AM
17	identification, as of this date.) 10:41:59AM	17	Q Do you have that page? 10:44:08AM
18	MR. GOODSTADT: I've placed in front 10:42:34AM	18	A Yes. 10:44:09AM
19	of Mr. Hesse what's been marked as Hesse 10. 10:42:35AM	19	Q Do you see up top where it says 10:44:10AM
20	It is a multiple-page exhibit bearing Bates 10:42:37AM	20	"unacceptable job performance/disciplinary 10:44:11AM
21	Numbers 1 through 25. (Handing.) 10:42:41AM	21	action''? 10:44:15AM
22	BY MR. GOODSTADT: 10:42:45AM	22	A Yes, I do. 10:44:16AM
23	Q Mr. Hesse, do you recognize this 10:42:46AM	23	MR. NOVIKOFF: Are we on Page 5? 10:44:16AM
24	document? 10:42:51AM	24	MR. GOODSTADT: Bates stamped 9, but 10:44:19AM
25	A Yes. 10:42:51AM	25	it's Page 5 of the book. 10:44:20AM
	Page 323		Page 325
1	GEORGE HESSE	1	GEORGE HESSE
2	Q And is this the handbook that you 10:42:52AM	2	MR. NOVIKOFF: Bates stamped 9, but 10:44:23AM
3	testified that you received? 10:42:53AM	3	Page 5 of the book? Okay. I got it. 10:44:28AM
4	A It appears to be. 10:42:54AM	4	BY MR. GOODSTADT: 10:44:30AM
5	Q Do you know whether this handbook was 10:42:56AM	5	Q Now, do you see the second paragraph 10:44:30AM
6	distributed to all officers in Ocean Beach? 10:42:58AM	6	down, it goes through a progressive disciplinary 10:44:31AM
7	MR. NOVIKOFF: Objection. 10:43:01AM	7	system? 10:44:36AM
8	A I don't believe so. 10:43:05AM	8	A Yes. 10:44:38AM
9	Q Do you know if it was distributed to 10:43:05AM	9	Q Says, "It upholds and maintains a 10:44:38AM
10	any officers in Ocean Beach? 10:43:06AM	10	progressive disciplinary system which may 10:44:43AM
11	MR. NOVIKOFF: Objection. 10:43:08AM	11	include all or part of the following steps 10:44:43AM
12	A I believe it was only distributed to 10:43:09AM	12	unless otherwise covered by law." 10:44:46AM
13	full-time persons of the village. 10:43:10AM	13	Do you see that? 10:44:49AM
14	Q So it's your understanding that it was 10:43:15AM	14	A Yes. 10:44:50AM
15	not distributed to any of the part-time 10:43:17AM	15	Q Did you implement this disciplinary 10:44:50AM
16	officers? 10:43:19AM	16	system? 10:44:52AM
17	A To the best of my recollection, no. 10:43:20AM	17	MR. NOVIKOFF: Objection. 10:44:53AM
18	Q Or any of the seasonal officers? 10:43:22AM	18	A No. 10:44:53AM
19	A No. 10:43:23AM	19	Q Do you know whether anyone in the 10:44:54AM
20	Q How come? 10:43:24AM	20	police department ever implemented this 10:44:56AM
21	MR. CONNOLLY: Objection. 10:43:25AM	21	disciplinary system? 10:45:00AM
22	MR. NOVIKOFF: Objection. 10:43:26AM	22	A I am unaware. 10:45:01AM
23	A I don't know. 10:43:27AM	23	Q So you don't know one way or the 10:45:02AM
24	Q Who distributed it to the full-time 10:43:31AM	24	other? 10:45:03AM
25	officers? 10:43:32AM	25	A No. 10:45:05AM

6 (Pages 322 to 325)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 83 of 236 PageID #: Page 326 Page 328 1 GEORGE HESSE 1 GEORGE HESSE 2 2 Q If you look at Page 6 of the book, 10:45:05AM If you look at -- strike that. 10:46:33AM 3 3 Bates stamp 10, do you see the employee 10:45:08AM Before you look at the next section 10:46:36AM 4 4 performance appraisals paragraph? It's like 10:45:12AM I'll ask you to look at. 10:46:37AM 5 halfway down the page. 10:45:15AM 5 Did Ocean Beach Police Department or 10:46:39AM 6 6 Do you see that? 10:45:16AM the village have a policy with respect to 10:46:41AM 7 7 officers drinking on duty? Yes. 10:45:19AM 10:46:45AM 8 8 MR. NOVIKOFF: Form. Foundation. Okay. It says, "Newly hired employees 10:45:20AM 10:46:47AM 9 9 may receive performance appraisals after 30 10:45:22AM Repeat that question. 10:46:48AM 10 10 days." 10:45:26AM Yeah. Did the Ocean Beach Police 10:46:50AM 11 10:45:26AM 11 Department or the village have any policy with 10:46:51AM Do you see that? 12 Α Yes. 10:45:27AM 12 respect to officers drinking while on duty? 10:46:55AM 13 Q Did you ever administer performance 10:45:27AM 13 MR. NOVIKOFF: Objection. Same. 10:46:58AM appraisals to any of your newly hired officers 10:45:30AM 14 14 No policy. 10:46:59AM 15 1.5 after 30 days? 10:45:33AM O No policy? 10:47:00AM MR. NOVIKOFF: Objection. Foundation. 10:45:35AM 16 16 Α Nothing writing -- in writing. 10:47:01AM 17 10:45:37AM 17 Do you know whether the police 10:47:05AM MR. NOVIKOFF: Form. 18 10:45:38AM 18 department had any policy -- the police 10:47:06AM BY MR. GOODSTADT: 10:45:38AM 19 19 department or the village had any policy with 10:47:08AM 20 Q Do you know whether any performance 10:45:39AM 20 respect to off-duty police officers drinking in 10:47:11AM 21 appraisals were ever given to newly hired 10:45:41AM 21 Ocean Beach? 10:47:16AM 22 officers after 30 days? 22 MR. NOVIKOFF: Objection. 10:47:16AM 10:45:44AM 23 MR. NOVIKOFF: Form. 10:45:46AM 23 Nothing formal. 10:47:17AM 24 24 So you don't recall any directives 10:47:19AM Α 10:45:46AM 25 25 And it says "and a more formal 10:45:47AM ever being posted with respect to officers who 10:47:20AM Page 327 Page 329 1 GEORGE HESSE 1 GEORGE HESSE 2 2 were off duty drinking in Ocean Beach? 10:47:24AM evaluation at the end of six months." 10:45:49AM 3 10:45:52AM 3 A I don't recall. 10:47:27AM Do you see that? 4 Yes. 10:45:52AM 4 Do you know whether the beach had or 10:47:32AM 5 5 the department had any policy with respect to 10:47:34AM Did you ever give a performance 10:45:53AM 6 appraisal to any of the officers at the end of 10:45:55AM 6 officers who show up to work under the influence 10:47:40AM 7 six months? 10:45:58AM 7 of alcohol? 10:47:42AM 8 MR. NOVIKOFF: Objection. Foundation. 10:46:00AM 8 There was no written policies. 10:47:44AM 9 9 10:46:01AM Okay. Do you know whether there was 10:47:45AM A No. 10 Q Do you know whether any officers were 10:46:01AM 10 ever any verbal policies with respect to 10:47:49AM 11 officers drinking on duty? 11 ever any performance appraisals at the end of 10:46:02AM 10:47:51AM 12 MR. NOVIKOFF: Note my objection. 12 six months? 10:46:06AM 10:47:53AM 13 13 MR. NOVIKOFF: Objection. Foundation. 10:46:07AM Well, I'm sure it would be frowned 10:47:56AM 14 10:46:08AM 14 upon if somebody showed up intoxicated. I don't 10:47:59AM A No. 15 The last sentence says, "Thereafter, 10:46:09AM 15 think that was ever an issue. I believe 10:48:03AM 16 all employees may receive a performance 10:46:11AM 16 Paradiso, Chief Paradiso might have put out 10:48:06AM 17 there that he referred -- preferred that guys 10:48:08AM appraisal annually." 17 10:46:13AM didn't drink in the village off duty. 18 Do you see that? 10:46:15AM 18 10:48:14AM 19 10:46:16AM 19 Q When did he put that out there? 10:48:16AM 20 20 I don't recall. You know, that was 10:48:17AM And to your knowledge, that had not 10:46:17AM

7 (Pages 326 to 329)

10:48:28AM

10:48:23AM

10:48:25AM

like a give-and-take type thing over the many 10:48:19AM

When do you recall him actually

putting it out there, though, what years?

I don't recall which years.

21

22

23

24

25

years I've been there.

10:46:20AM

10:46:22AM

10:46:26AM

10:46:27AM

10:46:28AM

21

22

23

24

25

Foundation.

Correct.

Α

been implemented until -- in the police

department until 2007; is that correct?

MR. NOVIKOFF: Objection. Form.

	13	85	
	Page 330	Page	332
1	GEORGE HESSE	1 GEORGE HESSE	
2	Q When you say give and take, what did 10:48:29AM	2 A I would've liked to think that they 10:50:31AM	
3	you mean by that? 10:48:30AM	3 wouldn't do that. I don't know of any policy 10:50:33AM	
4	A When I first started there, there was 10:48:34AM	4 that was out there. 10:50:36AM	
5	a policy that we were not supposed to be 10:48:36AM	5 Q Did you ever speak to anybody or 10:50:37AN	τl
6	drinking in the bars after we got off duty; but 10:48:38AM	6 discuss that issue with anybody, any officers? 10:50:392	
7	then, I guess Ed Paradiso had lightened up on 10:48:45AM	7 A About drinking on duty? 10:50:41AM	11/1
8	that, and that was that.  10:48:49AM	8 Q Yes. 10:50:43AM	
9	Q What do you mean by Ed Paradiso 10:48:52AM	9 A I don't recall any conversation of 10:50:43AM	
10	lightened up on that? 10:48:53AM	10 such. 10:50:45AM	
11	A You know, because guys would go out 10:48:54AM	11 Q Do you ever recall any directives 10:50:49AM	
12	for drinks after work. You know, we were a 10:48:56AM	being posted regarding drinking at the bars, 10:50:51	м І
13	little more mature, a little more adult than 10:48:59AM	whether on duty or off duty? 10:50:54AM	11/1
14	police officers that they had there in the past 10:49:00AM	14 A I don't recall any policies that were 10:50:56AM	
15	that worked there that couldn't control 10:49:01AM	15 posted. 10:50:58AM	
16	themselves. And, you know, he would join us 10:49:03AM	16 Q I asked for directive. Are you using 10:51:01AM	.
17	sometimes, so 10:49:07AM	17 the term "policy" interchange 10:51:03AM	
18	Q When did he lighten up on it? 10:49:09AM	18 A Policy or directive. I understand 10:51:06AM	
19	A Probably around '95. 10:49:12AM	what you're saying. No, not that I recall any 10:51:06AM	
20	Q Did he ever get harder on that policy 10:49:16AM	20 being posted. 10:51:08AM	
21	and reinstate it? 10:49:21AM	21 Q But just to be clear, those two terms 10:51:09AM	,
22	A Not that I recall. 10:49:23AM	22 are interchangeable, a directive and a policy? 10:51:09AM	
23		- · · · · · · · · · · · · · · · · · · ·	71VI
24	Q So from '95 until his last day of 10:49:25AM	3	
	employment at the beach, you don't recall him 10:49:28AM		
25	ever verbally telling police officers that he 10:49:30AM	Q So if I use policy, that's going to 10:51:13AM	
	Page 331	Page	333
1	Page 331  GEORGE HESSE	Page 1  GEORGE HESSE	333
1 2			333
	GEORGE HESSE	1 GEORGE HESSE	333
2	GEORGE HESSE preferred that they not go out and drink in the 10:49:35AM	GEORGE HESSE cover directive? If I use directly, it will 10:51:15AM	333
2	GEORGE HESSE  preferred that they not go out and drink in the 10:49:35AM bars off duty? 10:49:38AM	GEORGE HESSE cover directive? If I use directly, it will 10:51:15AM cover policy? 10:51:15AM	333
2 3 4	GEORGE HESSE  preferred that they not go out and drink in the 10:49:35AM  bars off duty? 10:49:38AM  MR. NOVIKOFF: Objection. Form. 10:49:39AM	1 <b>GEORGE HESSE</b> 2 <b>cover directive? If I use directly, it will 10:51:15AM</b> 3 <b>cover policy? 10:51:15AM</b> 4 MR. NOVIKOFF: Objection. 10:51:16AM	333
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8 (Pages 330 to 333)

	13	186	
	Page 334		Page 336
1	GEORGE HESSE	1	GEORGE HESSE
2	Q What alcoholic beverages have you had 10:52:14AM	2	Q How about Rich Bosetti? 10:54:17AM
	in the station? 10:52:16AM	3	A I don't recall. 10:54:19AM
4	A I've had a beer, and I had something 10:52:17AM	4	Q Ty Bacon? 10:54:20AM
	called a rocket fuel once or twice. 10:52:22AM	5	A No. 10:54:21AM
6	Q Any other alcoholic beverages that you 10:52:29AM	6	Q No, you don't recall or you definitely 10:54:23AM
7 (	drank in the station? 10:52:32AM	7	did not see him? 10:54:25AM
8	A No, not that I recall. 10:52:33AM	8	A I've never seen him drink. 10:54:26AM
9	Q Were you in uniform those times in the 10:52:34AM	9	Q At any point, you've never seen him 10:54:28AM
10 5	station? 10:52:36AM	10	drink? 10:54:30AM
11	MR. NOVIKOFF: Objection. Asked and 10:52:36AM	11	A Yeah, you know what, yeah, you're 10:54:30AM
12	answered. 10:52:37AM	12	right. At a party, I've seen him have a beer or 10:54:32AM
13	A No. 10:52:38AM	13	something, but not in the station house, no. 10:54:35AM
14	Q When did you have the rocket fuels in 10:52:39AM	14	Q How about Walter Moeller, did you ever 10:54:37AM
15 <b>t</b>	the station? What years were they? 10:52:41AM	15	see him drink a rocket fuel in the station? 10:54:40AM
16	A 2005, 2004. Maybe 2003. 10:52:47AM	16	A No. 10:54:42AM
17	Q Where did you get the rocket fuels 10:52:55AM	17	Q Did you ever see him drink in the 10:54:43AM
18 <b>f</b>	from? 10:52:57AM	18	station? 10:54:44AM
19	A A bar called CJ's. 10:52:57AM	19	A No. 10:54:44AM
20	Q Did they deliver them? Someone picked 10:53:03AM	20	Q Did you ever see him drink on duty? 10:54:45AM
21 1	them up? How did they get to the station? 10:53:05AM	21	A No. 10:54:47AM
22	A On occasion, sometimes they would just 10:53:09AM	22	Q Do you know whether he's ever drank on 10:54:50AM
23 (	deliver them at the end of the close of the 10:53:11AM	23	duty? 10:54:52AM
24 l	par. 10:53:13AM	24	A I don't know. 10:54:53AM
25	Q Who would deliver them? 10:53:15AM	25	Q Did there ever come a time where 10:54:56AM
	Page 335		Page 337
1	-	,	
1	GEORGE HESSE	1	GEORGE HESSE
2	A One of the barbacks. 10:53:16AM	2	Moeller got into a car accident right after 10:54:59AM
3	Q What was the name? 10:53:18AM	3	leaving the beach? 10:55:03AM
4	A I believe one of the kids was Brian, 10:53:21AM	4	A Yes. 10:55:04AM
	and another one another kid had the name of 10:53:24AM	5	Q Do you recall what year that was? 10:55:05AM
	Paul. 10:53:30AM	6	A Was it 2004? No, it couldn't have 10:55:13AM
7	Q Paul Conway? 10:53:31AM	7	been 2004. Maybe 2006. 10:55:17AM
8	A If that's his last name. I don't 10:53:33AM	8	Q How long after his tour was the 10:55:27AM
	know. 10:53:34AM	9	accident? 10:55:30AM
10	Q Do you know Brian's last name? 10:53:36AM	10	A Maybe a half hour. 10:55:32AM
11 12	A Esop. 10:53:38AM	11	Q And you were called to the scene? 10:55:37AM
1.1.7.	Q Did they charge you for the rocket 10:53:43AM	12	A I got a phone call, yes. 10:55:39AM
	fuels? 10.52.45 A.M		
13 i	fuels? 10:53:45AM	13	Q Who called you? 10:55:41AM
13 <b>f</b>	A Sometimes. 10:53:45AM	14	A It might have been Walter Moeller 10:55:44AM
13 i 14 15	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM	14 15	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM
13 1 14 15 16	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM	14 15 16	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM
13 1 14 15 16 17	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM	14 15 16 17	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM A He said he was just in a car accident. 10:55:49AM
13 i 14 15 16 17 18 i	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM	14 15 16 17 18	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM  A He said he was just in a car accident. 10:55:49AM  And he couldn't find his shield; and he had his 10:55:51AM
13 i 14 15 16 17 18 i 19	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM  A Let's see. I guess when we were 10:53:54AM	14 15 16 17 18	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM  A He said he was just in a car accident. 10:55:49AM  And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM
13 i 14 15 16 17 18 i 19 20 §	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM  A Let's see. I guess when we were 10:53:54AM getting off duty, Dave Gurden. Who else? You 10:53:56AM	14 15 16 17 18 19 20	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM  A He said he was just in a car accident. 10:55:49AM  And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM So he wanted me to come down and secure it. 10:56:01AM
13 f 14 15 16 17 18 i 19 20 §	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM  A Let's see. I guess when we were 10:53:54AM getting off duty, Dave Gurden. Who else? You 10:53:56AM know, I don't recall anybody else because it 10:54:05AM	14 15 16 17 18 19 20 21	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM  A He said he was just in a car accident. 10:55:49AM  And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM So he wanted me to come down and secure it. 10:56:01AM  Q So you went did you go to the scene 10:56:04AM
13 i 14 15 16 17 18 i 19 20 1 21 i 22 v	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM  A Let's see. I guess when we were 10:53:54AM getting off duty, Dave Gurden. Who else? You 10:53:56AM know, I don't recall anybody else because it 10:54:05AM wasn't a very popular drink. 10:54:08AM	14 15 16 17 18 19 20 21 22	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM A He said he was just in a car accident. 10:55:49AM And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM So he wanted me to come down and secure it. 10:56:01AM Q So you went did you go to the scene 10:56:04AM of the accident? 10:56:05AM
13 14 15 16 17 18 i 19 20 1 1 22 1 1 2 2 3	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM A Right. 10:53:48AM Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM A Let's see. I guess when we were 10:53:54AM getting off duty, Dave Gurden. Who else? You 10:53:56AM know, I don't recall anybody else because it 10:54:05AM wasn't a very popular drink. 10:54:08AM Q Do you recall Gary Bosetti drinking 10:54:13AM	14 15 16 17 18 19 20 21 22 23	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM  A He said he was just in a car accident. 10:55:49AM  And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM So he wanted me to come down and secure it. 10:56:01AM  Q So you went did you go to the scene 10:56:04AM of the accident? 10:56:05AM  A I went right to the scene, yes. 10:56:05AM
13 14 15 16 17 18 i 19 20 1 1 22 1 1 2 2 3	A Sometimes. 10:53:45AM  Q But sometimes they didn't? 10:53:46AM  A Right. 10:53:48AM  Q Who else drank rocket fuels with you 10:53:49AM in the police station? 10:53:51AM  A Let's see. I guess when we were 10:53:54AM getting off duty, Dave Gurden. Who else? You 10:53:56AM know, I don't recall anybody else because it 10:54:05AM wasn't a very popular drink. 10:54:08AM	14 15 16 17 18 19 20 21 22	A It might have been Walter Moeller 10:55:44AM himself. 10:55:46AM  Q Do you know why he called you? 10:55:47AM A He said he was just in a car accident. 10:55:49AM And he couldn't find his shield; and he had his 10:55:51AM weapon on him, and he was going to the hospital. 10:55:58AM So he wanted me to come down and secure it. 10:56:01AM Q So you went did you go to the scene 10:56:04AM of the accident? 10:56:05AM

9 (Pages 334 to 337)

	13	187	
	Page 338		Page 340
1	GEORGE HESSE	1	GEORGE HESSE
2	Fifth Avenue and Montauk Highway, in front of 10:56:11AM	2	A I do, in my opinion, yes. 10:57:58AM
3	St. Pat's church. 10:56:15AM	3	Q What public safety threat would it 10:58:03AM
4	Q Was anyone injured in the accident? 10:56:16AM	4	pose? 10:58:05AM
5	A Just him. 10:56:18AM	5	MR. NOVIKOFF: Objection. 10:58:05AM
6	Q And did you take his weapon from him? 10:56:19AM	6	A It would severely hinder your 10:58:09AM
7	A Yes, I did. 10:56:21AM	7	judgment, I think, to many respects on the job. 10:58:12AM
8	Q Did you ever find his shield? 10:56:22AM	8	Q It would be a public safety threat if 10:58:16AM
9	A Yes, I did. 10:56:24AM	9	officers were drinking on duty and they were 10:58:19AM
10	Q Was Walter Moeller drinking prior to 10:56:26AM	10	carrying a weapon? 10:58:21AM
11	that accident? 10:56:29AM	11	MR. NOVIKOFF: Objection. 10:58:22AM
12	A No, not that I know of. 10:56:30AM	12	A Yes. 10:58:23AM
13	Q Did you ever see the PCR do you 10:56:32AM	13	Q Would it pose a public safety threat 10:58:27AM
14	know what a PCR is? 10:56:34AM	14	if officers on duty were in the bars instead of 10:58:30AM
15	A Yes. 10:56:37AM	15	patrolling the neighborhood? 10:58:33AM
16	Q What is a PCR? 10:56:37AM	16	MR. NOVIKOFF: Objection. How about 10:58:35AM
17	A A pre-hospital care report. 10:56:40AM	17	if they were in the bars performing 10:58:41AM
18	Q Did you ever see the PCR with respect 10:56:41AM	18	MR. GOODSTADT: In the bars drinking. 10:58:43AM
19	to that accident? 10:56:41AM	19	MR. NOVIKOFF: You didn't ask that. 10:58:45AM
20	A No. 10:56:42AM	20	In the bars drinking off duty? 10:58:46AM
21	Q So you don't know one way or the other 10:56:41AM	21	MR. GOODSTADT: No, on duty. 10:58:49AM
22	whether the PCR indicated that he had alcohol on 10:56:42AM	22	MR. NOVIKOFF: Oh, okay. 10:58:51AM
23	his breath? 10:56:44AM	23	A You might as well repeat the entire 10:58:52AM
24	A I have no idea. 10:56:45AM	24	question. 10:58:55AM
25	Q Have you ever seen any officers in 10:57:01AM	25	Q The question is: Do you agree with me 10:58:55AM
	Page 339		Page 341
1	GEORGE HESSE	1	GEORGE HESSE
2	Ocean Beach drink while they're on duty? 10:57:03AM	2	that it would be a public safety threat if 10:58:57AM
3	A No. 10:57:05AM	3	officers were drinking in the bars while on duty 10:59:01AM
4	Q Has anybody ever complained to you 10:57:10AM	4	instead of patrolling the village? 10:59:02AM
5	that other officers were drinking while they 10:57:12AM	5	MR. NOVIKOFF: Objection. 10:59:03AM
6	were on duty? 10:57:14AM	6	A In my opinion, yes. 10:59:03AM
7	A Never. 10:57:15AM	7	Q Do you think it would strike that. 10:59:10AM
8	Q Is it true that Ed Carter complained 10:57:20AM	8	Do you think it undermines police 10:59:12AM
9	to you that he had to get the cell phone from 10:57:22AM	9	officers' authority to be drinking off duty in 10:59:15AM
10	the Bosettis in CJ's? 10:57:26AM	10	the bars in Ocean Beach? 10:59:19AM
11	A Never. 10:57:28AM	11	MR. NOVIKOFF: Objection. 10:59:20AM
12	Q Did you ever see Arnold Hardman drink 10:57:31AM	12	A Undermines your authority? I don't 10:59:25AM
13	the rocket fuel? 10:57:34AM	13	think so, no. 10:59:26AM
14	MR. NOVIKOFF: Objection. Asked and 10:57:36AM	14	Q You don't think there's a public 10:59:27AM
15	answered. 10:57:37AM	15	perception problem if officers off duty are 10:59:29AM
16	A Arnold Hardman? Not that I recall, 10:57:38AM	16	drinking in the bars that they are required to 10:59:34AM
17	no. 10:57:40AM	17	patrol on duty? 10:59:39AM
18	Q Did you ever see Hardman drink while 10:57:42AM	18	MR. NOVIKOFF: Objection. 10:59:41AM
19	he was on duty? 10:57:44AM	19	MR. CONNOLLY: Objection. 10:59:41AM
20	A Never. 10:57:45AM	20	A You're asking me to 10:59:42AM
21	Q Would you agree that if officers were 10:57:50AM	21	Q I'm asking your opinion on that. 10:59:44AM
22	drinking on duty, it would pose a public safety 10:57:53AM	22	A Yeah, I don't know. 10:59:46AM
23	threat? 10:57:56AM	23	MR. NOVIKOFF: Which is pantingly 10:59:49AM
24	MR. NOVIKOFF: Objection. 10:57:57AM	24	irrelevant. 10:59:52AM
25	MR. CONNOLLY: Objection. 10:57:57AM	25	What was your answer? 10:59:55AM

10 (Pages 338 to 341)

	<u> </u>	188	
	Page 342		Page 344
1	GEORGE HESSE	1	GEORGE HESSE
2	THE WITNESS: I have no idea if it 10:59:56AM	2	complained to him. 11:01:30AM
3	would. 10:59:57AM	3	MR. NOVIKOFF: Well, then that would 11:01:31AM
		4	cover everything. Objection to the form. 11:01:31AM
4			• • •
5	MR. GOODSTADT: Luckily you're not the 11:00:01AM	5	A I don't recall anything of that nature 11:01:33AM
6	witness today. 11:00:02AM	6	at all. 11:01:35AM
7	BY MR. GOODSTADT: 11:00:03AM	7	Q Is it true that Frank Fiorillo 11:01:42AM
8	Q Isn't it true that Tommy Snyder 11:00:03AM	8	complained to you that he had to relieve the 11:01:44AM
9	complained to you that the Bosettis took the 11:00:06AM	9	Bosettis on the next tour in the bar? 11:01:46AM
10	cell phone from him and went to the bars while 11:00:08AM	10	MR. NOVIKOFF: Objection. Form. 11:01:49AM
11	they were on duty? 11:00:10AM	11	Leading. 11:01:50AM
12	MR. NOVIKOFF: Objection. Leading. 11:00:13AM	12	A No. 11:01:51AM
13	A He never complained to me. 11:00:14AM	13	Q Isn't it true that Ed Carter 11:01:54AM
14	Q He never complained to you about 11:00:16AM	14	complained about that as well? 11:01:55AM
15	anything or just about that issue? 11:00:19AM	15	MR. NOVIKOFF: Objection. Form. 11:01:57AM
16	A Never. 11:00:20AM	16	A No. 11:01:58AM
17	MR. NOVIKOFF: Your question was any 11:00:21AM	17	Q Did any of the plaintiffs in this case 11:02:01AM
18	issue 11:00:22AM	18	ever complain to you about officers drinking in 11:02:03AM
19	MR. GOODSTADT: I was going to ask him 11:00:22AM	19	the bars in Ocean Beach? 11:02:05AM
20	if he meant just about that issue or any 11:00:22AM	20	MR. NOVIKOFF: Objection. Asked and 11:02:07AM
21	issue. 11:00:22AM	21	answered. 11:02:07AM
22	MR. CONNOLLY: Well, it wasn't 11:00:23AM	22	A No. 11:02:09AM
23	responsive to your question. 11:00:24AM	23	Q Did Ed Carter ever complain to you 11:02:22AM
24	MR. GOODSTADT: And that's why I was 11:00:25AM	24	about officers bringing alcohol into the 11:02:24AM
25	asking him to clarify. 11:00:26AM	25	station? 11:02:26AM
	Page 343		Page 345
_			
1	GEORGE HESSE	1	GEORGE HESSE
2	A Repeat the question. 11:00:28AM	2	A No. 11:02:27AM
3	Q Sure. 11:00:29AM	3	Q Did Ed Carter ever complain about 11:02:30AM
4	You said he never complained to me. 11:00:31AM	4	officers drinking rocket fuel in the station? 11:02:32AM
5	My question my follow-up question was he 11:00:33AM	5	A No. 11:02:34AM
6	never complained to you about that issue or he 11:00:34AM	6	Q Did Ed Carter ever complain that he 11:02:34AM
-/	never complained to you about anything? 11:00:36AM	7	was required to clean up after officers who were 11:02:36AM
8	A I gotta say, he's never complained to 11:00:38AM	8	drinking rocket fuels in the station? 11:02:39AM
9	me about anything. Specifically that issue. 11:00:40AM	9	A Never. 11:02:41AM
10	Q Would you agree with me that if 11:00:50AM	10	Q Did anyone ever complain to you that 11:02:49AM
11	officers took the police cell phone into a bar 11:00:52AM	11	officers left dock masters in the station to 11:02:51AM
12	and were not answering the cell phone, that it 11:00:56AM	12	cover their shifts while they went out to the 11:02:54AM
13	would pose a public safety threat? 11:00:59AM	13	bars? 11:02:57AM
14	MR. NOVIKOFF: Objection. 11:01:02AM	14	A Never. 11:02:57AM
15	A I could speculate, yeah, it would be 11:01:02AM	15	Q Did Joe Nofi complain to you that dock 11:03:09AM
16	an issue. 11:01:04AM	16	masters were covering for officers? 11:03:13AM
17	Q Is it your testimony that Snyder never 11:01:10AM	17	A Never. 11:03:15AM
18	complained to you that there were messages that 11:01:14AM	18	Q Would you agree with me that it would 11:03:17AM
		19	be inappropriate for dock masters to be covering 11:03:18AM
19	went unanswered on the cell phone when the 11:01:17AM		
20	Bosettis returned the cell phone back to him? 11:01:20AM	20	police officers' shifts? 11:03:22AM
20 21	Bosettis returned the cell phone back to him? 11:01:20AM MR. CONNOLLY: Objection. 11:01:23AM	20 21	MR. NOVIKOFF: Objection. Form. 11:03:24AM
20 21 22	Bosettis returned the cell phone back to him? 11:01:20AM MR. CONNOLLY: Objection. 11:01:23AM MR. NOVIKOFF: Objection. You didn't 11:01:23AM	20 21 22	MR. NOVIKOFF: Objection. Form. 11:03:24AM MR. CONNOLLY: What do you mean? 11:03:26AM
20 21 22 23	MR. CONNOLLY: Objection. 11:01:23AM MR. NOVIKOFF: Objection. You didn't 11:01:23AM answer ask him that question, so how could 11:01:25AM	20 21 22 23	MR. NOVIKOFF: Objection. Form. 11:03:24AM MR. CONNOLLY: What do you mean? 11:03:26AM Define "shift." 11:03:28AM
20 21 22 23 24	Bosettis returned the cell phone back to him? 11:01:20AM  MR. CONNOLLY: Objection. 11:01:23AM  MR. NOVIKOFF: Objection. You didn't 11:01:23AM  answer ask him that question, so how could 11:01:25AM  it be his testimony. 11:01:27AM	20 21 22 23 24	MR. NOVIKOFF: Objection. Form. 11:03:24AM MR. CONNOLLY: What do you mean? 11:03:26AM
20 21 22 23	MR. CONNOLLY: Objection. 11:01:23AM MR. NOVIKOFF: Objection. You didn't 11:01:23AM answer ask him that question, so how could 11:01:25AM	20 21 22 23	MR. NOVIKOFF: Objection. Form. 11:03:24AM MR. CONNOLLY: What do you mean? 11:03:26AM Define "shift." 11:03:28AM

11 (Pages 342 to 345)

	<u>13</u>	189	
	Page 346		Page 348
1	GEORGE HESSE	1	GEORGE HESSE
2	BY MR. GOODSTADT: 11:03:31AM	2	A Just somebody answering the phones. 11:05:08AM
3	Q To cover for them while they were 11:03:32AM	3	Q A dock master is trained to dispatch? 11:05:10AM
4	you know, while they were supposed to be on 11:03:34AM	4	A No. 11:05:14AM
5	duty? 11:03:36AM	5	Q A dock master is certified by Civil 11:05:15AM
6	MR. NOVIKOFF: Objection. 11:03:37AM	6	Service to be on a dispatch position? 11:05:18AM
7	A To what respect? You know, a dock 11:03:38AM	7	A I don't think there's really a 11:05:22AM
8	master is not a police officer. He can't cover 11:03:41AM	8	certification for it, but no. 11:05:23AM
9	the shift. 11:03:44AM	9	Q Did Carter complain to you Labor Day 11:05:31AM
10	Q So it would be inappropriate for a 11:03:45AM	10	weekend 2005 that officers were drinking in the 11:05:34AM
11	dock master to cover a police shift, right? 11:03:46AM	11	bar? 11:05:37AM
12	A Yeah. 11:03:49AM	12	A Did he complain? I don't recall any 11:05:39AM
13	MR. NOVIKOFF: Objection. 11:03:50AM	13	complaint, no. 11:05:41AM
14	BY MR. GOODSTADT: 11:03:50AM	14	MR. NOVIKOFF: I'm sorry, what 11:05:42AM
15	Q Is it appropriate to dispatch as a 11:04:03AM	15	weekend? 11:05:43AM
16	dock master? 11:04:09AM	16	MR. GOODSTADT: Labor Day 2005. 11:05:44AM
17	A Was it appropriate? 11:04:11AM	17	MR. NOVIKOFF: Okay. 11:05:47AM
18	Q Yes. 11:04:12AM	18	BY MR. GOODSTADT: 11:05:47AM
19	MR. NOVIKOFF: Objection. 11:04:13AM	19	Q Did Kevin Lamm ever complain to you 11:05:52AM
20	A It was only used in extreme 11:04:15AM	20	that officers were drinking in the bar? 11:05:54AM
21	situations. 11:04:17AM	21	MR. NOVIKOFF: Objection. Asked and 11:05:57AM
22	Q How about in well, what do you mean 11:04:18AM	22	answered. 11:05:58AM
23	by in extreme situations? 11:04:20AM	23	MR. CONNOLLY: Objection. 11:05:58AM
24	A Whereas if we were shorthanded or 11:04:23AM	24	A No. 11:05:59AM
25	something on the street and we had a police 11:04:24AM	25	Q Did Lamm ever complain to you about 11:05:59AM
1	Page 347 GEORGE HESSE	1	Page 349 GEORGE HESSE
2	officer sitting on the desk and something, an 11:04:27AM	2	officers drinking whether it was in the bars or 11:06:01AM
3	incident occurred in the street that required 11:04:29AM	3	the station or anywhere else? 11:06:04AM
4	some extra assistance, we would call the dock 11:04:30AM	4	A He never complained to me about that 11:06:05AM
5	master in to answer the phones. 11:04:33AM	5	stuff, no. 11:06:07AM
6	Q How about outside of that extreme 11:04:35AM	6	Q Did any officers ever drink while off 11:06:11AM
7	situation, would it be appropriate for a dock 11:04:37AM	1	duty prior to going on shift? 11:06:15AM
8	master to dispatch? 11:04:39AM	8	MR. NOVIKOFF: Objection. Foundation. 11:06:18AM
9	MR. NOVIKOFF: Objection. 11:04:41AM	9	A I don't know. 11:06:20AM
10	A It was used on occasion just so it 11:04:43AM	10	Q So you're not aware of any officers 11:06:21AM
11	could free up a police officer. 11:04:45AM	11	drinking in the bar and then going on the eight 11:06:22AM
12	Q In case of an emergency? 11:04:47AM	12	to four? 11:06:24AM
13	A Most of the time, yes. 11:04:49AM	13	MR. NOVIKOFF: Note my objection. 11:06:25AM
14	Q How about outside of an emergency? 11:04:51AM	14	A No. 11:06:26AM
15	A Not that I recall any. 11:04:53AM	15	MR. NOVIKOFF: Unless he's present or 11:06:28AM
16	Q But I'm asking whether it would be 11:04:54AM	16	was told, I don't know how he would answer 11:06:29AM
17	appropriate 11:04:56AM	17	that question. 11:06:31AM
18	MR. NOVIKOFF: Objection. 11:04:56AM	18	MR. GOODSTADT: Maybe he was answered 11:06:32AM
19	BY MR. GOODSTADT: 11:04:57AM	19	or told. 11:06:35AM
20	Q to have a dock master dispatch 11:04:57AM	20	MR. NOVIKOFF: Ask that question. 11:06:37AM
21	outside of an emergency. 11:04:59AM	21	That's my objection. 11:06:37AM
22	MR. NOVIKOFF: Objection. 11:05:02AM	22	MR. GOODSTADT: If he's aware of it, 11:06:37AM
23	A It's tough answering the phones. It 11:05:03AM	23	that would be a way he's aware of it. Maybe 11:06:37AM
24	really didn't matter. 11:05:05AM	24	he's aware of it some other way. I want to 11:06:37AM
	O What do 11.05.06 AM	١٠٢	1.06.40AM
25	Q What do you mean? 11:05:06AM	25	know if he's aware of it. 11:06:40AM

12 (Pages 346 to 349)

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	Page 350		Page 352
1	GEORGE HESSE	1	GEORGE HESSE
2	BY MR. GOODSTADT: 11:06:42AM	2	Q That wasn't the question, sir. The 11:08:21AM
3	Q Did anyone ever complain to you about 11:06:42AM	3	question was whether it was appropriate to drink 11:08:23AM
4	officers drinking in bars and then going on the 11:06:44AM	4	beer that was confiscated. 11:08:25AM
5	eight-to-four shift? 11:06:48AM	5	MR. NOVIKOFF: Objection to form. 11:08:28AM
6	A Never. 11:06:49AM	6	A I don't know if it was appropriate. 11:08:29AM
7	MR. NOVIKOFF: Eight to four would 11:06:51AM	7	Q So as the chief of police, you don't 11:08:32AM
8	just be eight at night to four in the 11:06:52AM	8	have an opinion one way or the other? 11:08:34AM
9	morning, right? 11:06:55AM	9	A At that time? 11:08:38AM
10	MR. GOODSTADT: Eight in the 11:06:56AM	10	Q Or as sergeant. As a sergeant of the 11:08:38AM
11	morning till who were drinking at night, 11:06:56AM	11	Ocean Beach Police Department, you have no 11:08:40AM
12	getting on the eight in the morning shift 11:06:58AM	12	opinion or had no opinion one way or the other 11:08:42AM
13	and getting on tour. 11:07:00AM	13	whether it was appropriate to drink beer that 11:08:47AM
14	MR. NOVIKOFF: Got it. Okay. I just 11:07:01AM	14	was confiscated? 11:08:49AM
15	wanted to clarify. 11:07:01AM	15	MR. NOVIKOFF: Objection. 11:08:50AM
16		16	A I don't think no. 11:08:51AM
	MR. CONNOLLY: Why don't we reask the 11:07:01AM	17	Q It was not appropriate or it was 11:08:52AM
17	question. 11:07:03AM BY MR. GOODSTADT: 11:07:03AM	18	
18			appropriate? 11:08:54AM
19	Q Did anyone ever complain to you that 11:07:04AM	19	MR. NOVIKOFF: You asked if he had an 11:08:55AM
20	officers were going out and drinking and then 11:07:07AM	20	opinion, and he said no. 11:08:56AM
21	working the 8 a.m. to 4 p.m. shift? 11:07:08AM	21	BY MR. GOODSTADT: 11:08:57AM
22	A No. 11:07:11AM	22	Q So you don't have an opinion one way 11:08:58AM
23	Q What was done with beer that was 11:07:16AM	23	or the other? 11:09:00AM
24	confiscated at Ocean Beach? 11:07:19AM	24	A I really don't, no. 11:09:01AM
25	A What was done with it? Most of the 11:07:22AM	25	Q Did you ever drink beer that you knew 11:09:02AM
	Page 351		Page 353
1	GEORGE HESSE	1	GEORGE HESSE
2	time it would just sit it depended on how 11:07:25AM	2	was confiscated? 11:09:04AM
3	much was taken, I guess, but most of the time it 11:07:28AM	3	A I believe I did, yeah. 11:09:06AM
4	would just sit in the station house. 11:07:31AM	4	Q Did you ever tell any of the 11:09:07AM
5	Q Was there a process by which the beer 11:07:33AM	5	plaintiffs what brands of beer to confiscate? 11:09:08AM
6	would have to be either, you know, memorialized 11:07:36AM	6	A No. 11:09:11AM
7	that beer had been taken or any evidence or 11:07:44AM	7	Q Do you know whether any officers told 11:09:11AM
8	anything else that would have to be done with 11:07:47AM	8	the plaintiffs what brands of beer to 11:09:13AM
9	the beer? 11:07:49AM	9	confiscate? 11:09:15AM
10	MR. NOVIKOFF: Object to the form. 11:07:50AM	10	A No. 11:09:16AM
11	MR. CONNOLLY: Object to the form. 11:07:50AM	11	Q Have you ever disciplined or 11:09:24AM
12	A I don't think there was anything in 11:07:53AM	12	reprimanded any officers for drinking on duty? 11:09:26AM
13	place that really said what we had to do with 11:07:55AM	13	MR. NOVIKOFF: Objection. 11:09:30AM
14	it. 11:07:58AM	14	A No. 11:09:31AM
15		15	
	Q Was it appropriate for officers to 11:08:00AM drink beer that was confiscated? 11:08:01AM	16	• •
16		17	reprimanded any officers for drinking off duty 11:09:33AM in Ocean Beach? 11:09:36AM
17			
18	Q So you've drank beer that was 11:08:06AM	18	MR. NOVIKOFF: Objection. 11:09:38AM
19	confiscated? 11:08:08AM	19	A Not that I recall any, no. 11:09:38AM
20	A Stuff that was in the refrigerator, I 11:08:09AM	20	Q Did you ever tell officers that it was 11:09:44AM
21	didn't know if it was confiscated or not. 11:08:11AM	21	inappropriate to drink in the bars while off 11:09:47AM
22	Q If it was confiscated, would it be 11:08:14AM	22	duty? 11:09:50AM
23	appropriate to drink that beer? 11:08:17AM	23	MR. NOVIKOFF: Objection. Form. 11:09:51AM
24	MR. NOVIKOFF: Objection to form. 11:08:19AM	24	Foundation. 11:09:52AM
25	A It was disposed of. 11:08:19AM	25	A I don't recall. I may have. I don't 11:09:53AM

13 (Pages 350 to 353)

	13	191	
	Page 354		Page 356
1	GEORGE HESSE	1	GEORGE HESSE
2	know. 11:09:55AM	2	Q It was appropriate? 11:11:45AM
3	Q What's in a rocket fuel? 11:10:06AM	3	A Sure. 11:11:46AM
4	A It's a souped-up pina colada. I 11:10:09AM	4	Q Is there any policy with respect to 11:11:48AM
5	believe it has it has some rum in it. It has 11:10:17AM	5	drinking in the barracks? 11:11:50AM
6	151 rum in it, and I believe it's topped 11:10:20AM	6	MR. NOVIKOFF: Objection. 11:11:52AM
7	off with, I believe, amaretto. I'm not really 11:10:22AM	7	A No. 11:11:52AM
8	sure. 11:10:26AM	8	MR. CONNOLLY: Again, are we making a 11:11:53AM
9	Q Did you ever collect money from other 11:10:27AM	9	distinction between off duty and on duty? 11:11:55AM
10	officers to pay for the rocket fuels? 11:10:29AM	10	BY MR. GOODSTADT: 11:11:58AM
11	A Not that I recall. 11:10:31AM	11	Q Well, on duty, was it appropriate to 11:11:58AM
12	Q Is there any policy in Ocean Beach or 11:10:36AM	12	drink in the barracks? 11:12:00AM
13	in the police department with respect to 11:10:39AM	13	A No. 11:12:01AM
14	drinking alcohol in the police truck? 11:10:41AM	14	Q How about before your tour, was it 11:12:01AM
15	MR. NOVIKOFF: Objection. 11:10:44AM	15	appropriate to drink in the barracks? 11:12:04AM
16	A No. 11:10:46AM	16	MR. NOVIKOFF: Objection. 11:12:06AM
17 18	Q So it was okay for officers to drink 11:10:48AM	17 18	A I'd say no. 11:12:07AM  MR. NOVIKOFF: When you say before 11:12:09AM
19	in the police truck? 11:10:50AM  MR. NOVIKOFF: Objection. Is that a 11:10:52AM	19	tour, you mean within a few hours. 11:12:10AM
20	question or a statement? 11:10:54AM	20	MR. GOODSTADT: Yeah, within a few 11:12:12AM
21	MR. GOODSTADT: I asked was it okay 11:10:56AM	21	hours of your tour. 11:12:14AM
22	MR. NOVIKOFF: Well, objection to 11:10:58AM	22	BY MR. GOODSTADT: 11:12:15AM
23	form. 11:10:59AM	23	Q Was it appropriate to have any 11:12:15AM
24	MR. GOODSTADT: for officers to 11:10:59AM	24	alcoholic beverages within a few hours of your 11:12:17AM
25	drink in the police truck. 11:11:01AM	25	tour? 11:12:19AM
1 2	Page 355  GEORGE HESSE  MR. NOVIKOFF: Okay. 11:11:03AM	1 2	GEORGE HESSE MR. NOVIKOFF: Objection. 11:12:20AM
3	A No. 11:11:03AM	3	A My opinion is no. 11:12:20AM
4	Q How about if they're off duty on their 11:11:04AM	4	Q Were there any policies with respect 11:12:23AM
5	way to the lighthouse, would it be appropriate 11:11:07AM	5	to drinking before coming on duty? 11:12:25AM
6	for an officer to have a drink in the police 11:11:09AM	6	MR. NOVIKOFF: Note my objection. 11:12:29AM
7	truck? 11:11:12AM	7	A There were no policies. 11:12:30AM
8	MR. NOVIKOFF: Objection. 11:11:13AM	8	Q If you turn to Hesse 10, Page 7 of the 11:12:31AM
9	A No, not really. 11:11:13AM	9	book, Bates Number 11. 11:12:40AM
10	Q Did you ever speak to any officers 11:11:14AM	10	MR. NOVIKOFF: Okay. 11:12:42AM
11	about that? 11:11:16AM	11	BY MR. GOODSTADT: 11:12:48AM
12	A No. 11:11:16AM	12	Q Do you see under "substance abuse"? 11:12:49AM
13	Q Any of the plaintiffs ever complain to 11:11:17AM	13	A Yes, I do. 11:12:51AM
14	you that officers were drinking in the police 11:11:18AM	14	Q It says, "Incorporated Village of 11:12:52AM
15	truck? 11:11:21AM	15	Ocean Beach will not tolerate any substance 11:12:52AM
16	A No. 11:11:21AM	16	abuse on its premises. Any employee reporting 11:12:56AM
17	Q Any of the plaintiffs ever complain to 11:11:22AM	17	for work under the influence of alcohol or 11:13:00AM
18 19	you that they had to clean up the police truck 11:11:24AM with beer bottles, caps and other refuse from 11:11:27AM	18 19	controlled drugs will be asked to leave 11:13:03AM
20		20	immediately." 11:13:06AM  Do you see that? 11:13:06AM
21	alcoholic beverages? 11:11:32AM  A Never. 11:11:34AM	21	Do you see that? 11:13:06AM A Yes. 11:13:07AM
22	Q Was it appropriate for police officers 11:11:37AM	22	Q Did you ever ask any officers who 11:13:07AM
23	to drink in the barracks? 11:11:40AM	23	reported under the influence of alcohol to 11:13:09AM
24	MR. NOVIKOFF: Objection. 11:11:42AM	24	leave? 11:13:11AM
25	A Yes. 11:11:44AM	25	MR. NOVIKOFF: Objection. Foundation. 11:13:12AM
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14 (Pages 354 to 357)

		192	
	Page 358		Page 360
1	GEORGE HESSE	1	GEORGE HESSE
2	I don't think that he's testified that there 11:13:13AM	2	A That's correct. 11:15:41AM
3	were ever officers that reported under the 11:13:15AM	3	Q And banning them, was that in response 11:15:42AM
4	influence. 11:13:16AM	4	to the complaint by Snyder and Nofi? 11:15:44AM
5	A Yeah, I believe I was asked that 11:13:18AM	5	A Yes. 11:15:46AM
6	question, and no. 11:13:20AM	6	Q Did Carter ever complain to you about 11:15:46AM
7	MR. GOODSTADT: Could I just see that 11:13:35AM	7	the barracks being unsecured? 11:15:48AM
8	question back. 11:13:36AM	8	A Not that I'm aware of, no. 11:15:50AM
9	BY MR. GOODSTADT: 11:13:46AM	9	Q Nofi and Snyder's complaint, was that 11:15:52AM
10	Q Did Tom Snyder ever complain to you 11:13:47AM		in writing or verbal? 11:15:55AM
11	that officers were coming out to the checkpoint 11:13:48AM	11	A I believe it was in writing. 11:15:57AM
12	late when he had to come in for his shift? 11:13:53AM	12	Q And it's your testimony that Carter 11:15:59AM
13	A No. 11:13:57AM		never complained about that? 11:16:00AM
14	Q Were firearms kept in the barracks? 11:14:05AM	14	A Not that I'm aware of, that I recall. 11:16:01AM
15	A I believe sometimes, yes. 11:14:08AM	15	MR. GOODSTADT: Let's mark this, 11:16:13AM
16	•	16	, and the second
	•		please. 11:16:14AM
17 18	kept in the barracks, you thought it was appropriate for officers to drink in the 11:14:15AM	17 18	(Whereupon, Bates document 2750 was 11:16:15AM marked as Plaintiff's Exhibit 11 for 11:16:15AM
	Tr Tr		
19	barracks? 11:14:17AM	19	identification, as of this date.) 11:16:15AM
20	MR. NOVIKOFF: Objection to the form 11:14:18AM	20	MR. GOODSTADT: I've placed in front 11:16:48AM
21	of the question. 11:14:18AM	21	of Mr. Hesse what's been marked as Hesse 11. 11:16:49AM
22	A Sure. 11:14:19AM	22	It is a one-page document bearing Bates 11:16:52AM
23	Q Did any of the plaintiffs ever 11:14:31AM	23	Number 2750. (Handing.) 11:16:54AM
24	complain to you that the barracks were unsecure? 11:14:33AM		BY MR. GOODSTADT: 11:16:57AM
25	A Unsecure in what manner? 11:14:39AM	25	Q Mr. Hesse, do you recognize this 11:16:57AM
	Page 359		Page 361
1		1	_
1 2	GEORGE HESSE		GEORGE HESSE
2	GEORGE HESSE  Q Door unlocked? 11:14:44AM	2	GEORGE HESSE document marked as Hesse 11? 11:16:59AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	GEORGE HESSE  Q Door unlocked?  A Yeah, I believe I had one complaint. 11:14:47AM  Q Who complained about that?  A I think it was Nofi, Joe Nofi, Tom 11:14:50AM  A I think it was Nofi, Joe Nofi, Tom 11:14:52AM  Snyder. I believe there was a dock master up 11:14:56AM there that left the door unlocked once. 11:14:58AM  Q When was that? 11:15:01AM  A I don't recall the year or time frame. 11:15:01AM  Q And it was Nofi and Snyder who 11:15:03AM  complained? 11:15:05AM  A Yeah. I believe so, yeah. 11:15:06AM  Q What did they state in their 11:15:08AM  complaint? 11:15:09AM  A I believe that they said Dock Master 11:15:09AM  Hirsch, if I'm remembering his name correctly, 11:15:13AM  may have left the door open or unlocked. 11:15:17AM  Q Did you do anything to discipline 11:15:22AM  Hirsch in response to that complaint? 11:15:26AM  A I don't recall a conversation I had 11:15:30AM  with him, but dock masters were banned from the 11:15:31AM  barracks after that point. 11:15:34AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	GEORGE HESSE  document marked as Hesse 11?  A Actually, I don't I recognize it, 11:17:01AM  but I don't recall it.  11:17:02AM  Q What do you recognize this as?  A As an Ocean Beach Police Department 11:17:07AM  internal correspondence, a 2042.  11:17:10AM  Q And this doesn't refresh your 11:17:14AM  recollection as to whether Carter complained to 11:17:16AM  you about the barracks being unsecure?  11:17:19AM  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Yeah.  A Yeah, I don't recall this document.  11:17:25AM  MR. CONNOLLY: Also, this appears to 11:17:31AM  be a field report of some sort, not a 11:17:32AM  complaint.  11:17:34AM  MR. GOODSTADT: Okay.  MR. NOVIKOFF: Well, I guess the 11:17:37AM  definition of complaint is what we're going 11:17:38AM  to be debating in the summary judgment 11:17:39AM  motion.  11:17:41AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Q Door unlocked?  A Yeah, I believe I had one complaint. 11:14:47AM  Q Who complained about that?  A I think it was Nofi, Joe Nofi, Tom 11:14:50AM  A I think it was Nofi, Joe Nofi, Tom 11:14:52AM  Snyder. I believe there was a dock master up 11:14:56AM there that left the door unlocked once. 11:14:58AM  Q When was that? 11:15:01AM  A I don't recall the year or time frame. 11:15:01AM  Q And it was Nofi and Snyder who 11:15:03AM  complained? 11:15:05AM  A Yeah. I believe so, yeah. 11:15:06AM  Q What did they state in their 11:15:08AM  complaint? 11:15:09AM  A I believe that they said Dock Master 11:15:09AM  Hirsch, if I'm remembering his name correctly, 11:15:13AM  may have left the door open or unlocked. 11:15:17AM  Q Did you do anything to discipline 11:15:22AM  Hirsch in response to that complaint? 11:15:26AM  A I don't recall a conversation I had 11:15:30AM  with him, but dock masters were banned from the 11:15:31AM  barracks after that point. 11:15:34AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  document marked as Hesse 11?  A Actually, I don't I recognize it, 11:17:01AM  but I don't recall it.  11:17:02AM  Q What do you recognize this as?  A As an Ocean Beach Police Department 11:17:07AM  internal correspondence, a 2042.  11:17:10AM  Q And this doesn't refresh your 11:17:14AM  recollection as to whether Carter complained to 11:17:16AM  you about the barracks being unsecure?  11:17:19AM  MR. CONNOLLY: Objection.  A Yeah, I don't recall this document.  A Yeah, I don't recall this document.  11:17:25AM  MR. CONNOLLY: Also, this appears to 11:17:31AM  be a field report of some sort, not a 11:17:32AM  complaint.  11:17:34AM  MR. GOODSTADT: Okay.  MR. NOVIKOFF: Well, I guess the 11:17:37AM  definition of complaint is what we're going 11:17:38AM  to be debating in the summary judgment 11:17:39AM  motion.  11:17:41AM  THE WITNESS: And it's not signed 11:17:44AM  either. So I don't know where it came from. 11:17:44AM

15 (Pages 358 to 361)

	13	193	
	Page 362		Page 364
1	GEORGE HESSE	1	GEORGE HESSE
2	BY MR. GOODSTADT: 11:18:05AM	2	A I don't recall that. 11:19:42AM
3	Q Did you ever direct any of the 11:18:11AM	3	MR. NOVIKOFF: Is the dog the problem? 11:19:47AM
4	plaintiffs to drive you on social visits in the 11:18:12AM	4	MR. GOODSTADT: No, it's leaving the 11:19:48AM
5	village while you were on duty? 11:18:19AM	5	village unsecure is the problem. 11:19:49AM
6		6	MR. NOVIKOFF: Oh, okay. 11:19:52AM
7	Q Did you ever direct plaintiffs to 11:18:22AM	7	BY MR. GOODSTADT: 11:19:59AM
8	drive any off-duty officers while they were in 11:18:23AM	8	Q Did Ed Carter ever complain to you the 11:20:00AM
9	the village? 11:18:27AM	9	village was left short of personnel when he was 11:20:02AM
10	MR. NOVIKOFF: Objection to form. 11:18:32AM	10	required to chauffeur intoxicated off-duty 11:20:05AM
11	A What? 11:18:32AM	11	officers? 11:20:09AM
12	Q Did you ever direct plaintiffs to 11:18:33AM	12	MR. NOVIKOFF: Objection no, no 11:20:10AM
13	drive any off-duty officers to the checkpoint? 11:18:35AM	13	objection. 11:20:12AM
14	A Yes. 11:18:38AM	14	A He's never complained, no. 11:20:13AM
15	MR. NOVIKOFF: Objection to form. 11:18:39AM	15	Q Did you ever require off-duty officers 11:20:16AM
16	The answer was yes? 11:18:40AM	16	to wait until 5 a.m. to be taken to the 11:20:23AM
17	THE WITNESS: Yes. 11:18:42AM	17	checkpoint? 11:20:28AM
18	BY MR. GOODSTADT: 11:18:43AM	18	A I have done that, yes. 11:20:28AM
19	Q While they were on duty, the 11:18:44AM	19	Q When was strike that. 11:20:30AM
20	plaintiffs? 11:18:45AM	20	Was that a policy that you instituted 11:20:32AM
21	MR. NOVIKOFF: Is the question did he 11:18:46AM	21	at some point? 11:20:34AM
22	ever direct plaintiffs while on duty to 11:18:46AM	22	A No. 11:20:35AM
23	drive off-duty police officers to the 11:18:48AM	23	Q And why did you require people to wait 11:20:36AM
24	checkpoint? 11:18:51AM	24	until 5 a.m. to be taken to the checkpoint? 11:20:39AM
25	MR. GOODSTADT: Yes. 11:18:51AM	25	A It may have been a busy night and 11:20:43AM
	WIK. GOODSTAD 1. 165. 11.10.31/WI		11 It may have been a busy might and 11.20.437411
	Page 363		Page 365
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Objection to form. 11:18:53AM	2	instead of taking one of my police officers and 11:20:45AM
3	A I may have, yes. 11:18:53AM	3	sending them on a you know, out of the 11:20:48AM
4	Q Did you ever direct them to drive 11:18:55AM	4	village for a little while, I would let them 11:20:51AM
5	off-duty officers after they came out of the 11:18:56AM	5	wait until we were making our relief, and they 11:20:53AM
6	bars drinking to the checkpoint while the 11:19:00AM	6	could wait until our relief time. 11:20:56AM
7	plaintiffs were on duty? 11:19:04AM	7	Q What do you mean by "our relief time"? 11:20:58AM
8	MR. NOVIKOFF: Objection to form and 11:19:06AM	8	A When guys were going off duty, they 11:21:01AM
9	foundation. 11:19:06AM	9	could wait for the officers who were driving off 11:21:03AM
10	A I may have. 11:19:07AM	10	to go off duty. 11:21:07AM
11		11	Q And the request to require the police 11:21:11AM
12			
	A Specifically, no. 11:19:10AM	12	officers to wait until 5 a.m. to be driven off, 11:21:16AM
13	Q Did plaintiffs ever complain to you 11:19:11AM	13	it's your testimony that was in response to 11:21:20AM
14	about having to do that? 11:19:13AM	14	Carter complaining about having to drive 11:21:22AM
15	A No. 11:19:14AM	15	intoxicated officers off duty 11:21:26AM
16	Q Plaintiffs ever complain to you that 11:19:14AM	16	A No. 11:21:29AM
17	they were leaving the village short on officers 11:19:16AM	17	Q off the island? 11:21:29AM
18	when they had to drive out to the checkpoint to 11:19:18AM	18	A No. 11:21:32AM
19	drive off-duty officers who had been drinking to 11:19:21AM	19	Q It's your testimony that Carter on the 11:21:44AM
20	the checkpoint? 11:19:23AM	20	July 4th weekend 2005 didn't complain to you 11:21:46AM
21	A Never. 11:19:25AM	21	about being required to chauffeur civilians 11:21:50AM
22	Q Did you ever direct Joe Nofi to take 11:19:30AM	22	around while he was on duty? 11:21:53AM
23	Walter Moeller, Walter Moeller's girlfriend and 11:19:33AM	23	MR. NOVIKOFF: I don't know. I don't 11:21:55AM
24	their dog to the checkpoint after they'd been 11:19:38AM	24	think he's testified to that around yet. 11:21:56AM
25	drinking? 11:19:41AM	2.5	Objection to form. 11:21:58AM
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16 (Pages 362 to 365)

Page 366 Page 368 1 GEORGE HESSE 1 GEORGE HESSE 2 Chauffeur civilians around? I don't 11:22:01AM 2 I've been to his house for a noise 11:23:29AM Α know what you're talking about. I don't recall 11:22:04AM 3 3 complaint or two. 11:23:31AM 4 that. 11:22:05AM 4 O Did you ever issue him a summons? 11:23:32AM 5 Did Carter ever complain to you that 11:22:05AM 5 Α 11:23:34AM Q Did you ever issue a noise complaint 11:23:38AM 6 he was required to chauffeur civilians around 11:22:07AM 6 7 7 summons to anyone in the village? and it left the village shorthanded? 11:22:07AM 8 MR. NOVIKOFF: Objection. Form. 8 11:22:10AM Α Oh. sure. 11:23:43AM 9 9 Α No. 11:22:11AM 0 And why didn't you issue a summons to 11:23:44AM 10 Did you ever put Carter on the back 11:22:12AM 10 Mitch Burns for the couple times that you were 11:23:47AM 11 streets to patrol? 11:22:14AM 11 called to his house for a noise violation? 11:23:49AM 12 A I'm sure he's done that, yes. 11:22:16AM 12 I don't think it required a summons. 11:23:52AM 13 13 Q Is being put on the back streets a 11:22:18AM What do you mean by that? 11:23:53AM form of discipline? 14 11:22:21AM 14 It wasn't as loud as it would normally 11:23:55AM 15 Α No. 11:22:22AM 15 be to require a summons. 11:24:00AM Is there a certain decibel level or 11:24:02AM 16 Q How do you determine who patrols the 11:22:27AM 16 17 11:22:30AM 17 something that requires a summons? 11:24:06AM 18 Sometimes I would ask for volunteers. 11:22:32AM 18 You could judge it by that, but no. 11:24:08AM 19 19 Q How else? 11:22:35AM Did you judge it that way? 11:24:10AM 20 Α Sometimes I would just post you there. 11:22:37AM 20 Α It's a matter of discretion. No, I 11:24:12AM 21 Was the back streets a less desirable 11:22:39AM 21 didn't judge it by decibel levels. 11:24:15AM 22 22 post than the other areas of the village? Q Have you ever been at his house on 11:24:24AM 11:22:41AM non-police business? 23 MR. CONNOLLY: Objection. 11:22:44AM 23 11:24:26AM 24 24 In my opinion, yeah. 11:22:45AM Α Yes. 11:24:28AM 25 25 Did you ever require Frank Fiorillo 11:22:50AM Q How many times? 11:24:29AM Page 367 Page 369 1 GEORGE HESSE 1 GEORGE HESSE 2 2 while he was on duty to drive you to Mitch Couple times. 11:24:31AM 11:22:52AM Α 3 11:24:32AM 3 Burns' house? 11:22:54AM O How many is a couple? 4 Not that I recall. 11:22:55AM 4 Two, three times maybe. 11:24:34AM 5 5 Who's Mitch Burns? 11:22:56AM And what were you at his house for on 11:24:37AM 6 non-police business? 6 Α Just a homeowner in the village. 11:22:58AM 11:24:39AM 7 You're friends with Mr. Burns? 11:23:00AM 7 Α My wife and I was invited over for a 11:24:41AM Q 8 I'm an acquaintance. 11:23:02AM 8 barbecue. 11:24:44AM Α 9 9 Have you ever been over his house? Q 11:23:03AM O Two or three times? 11:24:45AM 10 Yeah. 11:23:05AM 10 Α Yeah. 11:24:46AM Α How about other than for a barbecue, 11:24:51AM 11 11 Q In the village? 11:23:06AM 12 Α Yeah. 11:23:07AM 12 have you ever been over his house on non-police 11:24:53AM 13 Q Where's his house located in the 11:23:08AM 13 business? 11:24:55AM village? 11:23:10AM 14 Α Not that I recall. 11:24:56AM 14 15 It's on Evergreen Walk. 11:23:10AM 15 0 Have you ever been to his apartment in 11:24:58AM 16 Q How many times have you been to his 11:23:13AM 16 Manhattan? 11:25:02AM 17 17 house? 11:23:15AM Α Yes. 11:25:03AM 18 18 Α A handful of times. 11:23:16AM Q How many times? 11:25:04AM 19 0 How many is a handful? 11:23:17AM 19 A 11:25:05AM 20 20 Five, six times. I don't know. Q Α 11:23:19AM On police business or non-police Were any of those five or six times on 11:23:21AM 21 21 business? 11:25:08AM 0 police business? 22 11:23:23AM 22 Α Non-police business. 11:25:08AM 23 23

24

25

that you've been to?

17 (Pages 366 to 369)

11:25:12AM

11:25:13AM

11:23:24AM

11:23:28AM

What did you go to his house on police 11:23:26AM

Yeah.

Q

business for?

24

25

Where's his apartment in Manhattan

I don't know the exact address.

11:25:09AM

	1.	5	
	Page 370		Page 372
1	GEORGE HESSE	GEORGE H	ESSE
2	Q Was it on the Upper East Side? 11:25:15AM	Q Did you ever ha	ave Frank Fiorillo pick 11:27:01AM
3	A It may have been. I don't know. 11:25:17AM	you up from Mitch Bu	rns' house? 11:27:03AM
4	Q When were you at his apartment on 11:25:20AM	A Never.	11:27:06AM
5	non-police business? 11:25:22AM	Q Did you ever slo	eep over his apartment 11:27:14AM
6	A It was around Christmastime, God, I 11:25:24AM	in New York City?	11:27:16AM
7	don't know, maybe 2003ish. 11:25:28AM	A Never.	11:27:17AM
8	Q What were you at his apartment for? 11:25:31AM	Q Do you know w	hether he's ever sold any 11:27:23AM
9	A We were meeting he and his wife to go 11:25:33AM	narcotics?	11:27:25AM
10	to a show and then to get drinks afterwards. 11:25:37AM	A I don't know.	11:27:26AM
11	MR. CONNOLLY: Who's "we"? 11:25:41AM	Q Did you ever he	ear that he was selling 11:27:27AM
12	THE WITNESS: My wife and I and he and 11:25:42AM	narcotics?	11:27:29AM
13	his wife. 11:25:45AM	A No.	11:27:30AM
14	BY MR. GOODSTADT: 11:25:46AM	Q Did you ever he	ear he was selling 11:27:30AM
15	Q Was anybody else there? 11:25:46AM	Fentanyl lollipops?	11:27:32AM
16	A No. 11:25:48AM	A No. I don't even	n know what that is. 11:27:34AM
17	Q What year was that? 11:25:49AM	Q Do you know w	hat Fentanyl is? 11:27:36AM
18	A I don't really recall. 11:25:50AM	A No.	11:27:39AM
19	Q Did you go to a show with him and his 11:25:52AM	Q Who is Andrea	Nimburger? 11:27:40AM
20	wife? 11:25:54AM	A That's a woman	who owns a house in the 11:27:42AM
21	A Yes. 11:25:55AM	village.	11:27:45AM
22	Q Did you guys go out drinking 11:25:55AM	Q Where is her he	ouse in the village? 11:27:46AM
23	afterwards? 11:25:57AM	A I believe it's on	Wilmot Walk, 11:27:48AM
24	A Yeah. 11:25:59AM	W-I-L-M-O-T.	11:27:51AM
25	Q Did you ever tell Frank Fiorillo with 11:26:02AM	Q Have you ever	been over her house? 11:28:00AM
	Page 371		Page 373
1	GEORGE HESSE	GEORGE I	HESSE
2	respect to Mitch Burns' place in Ocean Beach 11:26:05AM	A Yes.	11:28:02AM
3	that whatever happens here between the drugs and 11:26:08AM	Q How many time	
4	the girls, we look the other way? 11:26:12AM	A A handful of time	
5	A Never. 11:26:15AM		been over there on 11:28:05AM
6	Q Is it true that you told officers that 11:26:19AM	non-police business?	11:28:07AM
7	you slept with Elyse Miller in Mitch Burns' hot 11:26:22AM	A Yes.	11:28:10AM
8	tub? 11:26:26AM	Q How many time	
9	MR. NOVIKOFF: Objection. 11:26:28AM	A Handful of times	
10	A Never. 11:26:28AM	Q How many is a	
11	Q Did you ever sleep with Elyse Miller 11:26:29AM	A Five or six.	11:28:16AM
12	in Mitch Burns' hot tub? 11:26:30AM		l you go to her house on 11:28:18AM
13	A Never. 11:26:33AM	non-police business?	11:28:21AM
14	Q Have you ever been over Mitch Burns' 11:26:33AM		ars, you know, I don't 11:28:23AM
15	house while Elyse Miller was there as well? 11:26:34AM	know.	11:28:26AM
16	A Yes. 11:26:41AM	Q You don't know	
17	Q How many times? 11:26:42AM	-	han five or six times. 11:28:28AM
18	A One time. 11:26:43AM		equire Frank Fiorillo to 11:28:31AM
19	Q When was that? 11:26:43AM		her house for non-police 11:28:32AM
20	A I don't recall. 11:26:44AM	business?	11:28:36AM
21	Q How did you get home from there the 11:26:47AM	A Not that I recall,	
22	day that Elyse Miller was there? 11:26:49AM	Q Do you know he	
23	A I don't know. I believe my wife and I 11:26:50AM	Nimburger's son?	11:28:43AM
24	walked down Evergreen northbound to Bay Walk, 11:26:52AM	A Yeah.	11:28:45AM
25	made a left and got on the ferry and went home. 11:26:57AM	Q Did you ever ha	
20	- · · · · · · · · · · · · · · · · · · ·	- '	

18 (Pages 370 to 373)

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	1;	<u> 3196</u>	
	Page 374	:	Page 376
1	GEORGE HESSE	1	GEORGE HESSE
2	relationship with Andrea Nimburger? 11:28:47AM	2	A Verbal, yeah. 11:30:45AM
3	MR. CONNOLLY: Objection. 11:28:49AM	3	Q Is that his nickname, Lambo? 11:30:46AM
4	A No. 11:28:50AM	4	A Yeah. Lambo Rambo, yeah. 11:30:49AM
5	Q Isn't it true that you told Frank 11:28:51AM	5	Q Did you ever give him a business card 11:30:51AM
6	Fiorillo that you did? 11:28:52AM	6	that said Kevin Lambo? 11:30:57AM
7	MR. CONNOLLY: Objection. 11:28:53AM	7	A No. 11:30:59AM
8	A No. 11:28:54AM	8	(Whereupon, Bates document P 925 was 11:31:10AM
9	Q It's not true? 11:28:54AM	9	marked as Plaintiff's Exhibit 12 for 11:31:10AM
10	A It's not true. 11:28:55AM	10	identification, as of this date.) 11:31:10AM
11	Q Is it true that Fiorillo complained to 11:28:58AM	11	BY MR. GOODSTADT: 11:31:34AM
12	you that the village was being left short when 11:29:00AM	12	Q I've placed in front of Hesse what's 11:31:41AM
13	he had to chauffeur you over there? 11:29:03AM	13	been marked as Hesse 12. It's a one-page 11:31:42AM
14	A Never. 11:29:05AM	14	exhibit Bates numbered P 925. (Handing.) 11:31:45AM
15	Q Did you ever tell Ed Carter that you 11:29:19AM	15	Mr. Hesse, have you ever seen what's 11:31:40AM
16	gave someone the, quote, German sausage? 11:29:21AM	16	now been marked as Hesse 12? 11:31:52AM
17	MR. CONNOLLY: Objection. 11:29:25AM	17	A Yes. 11:31:54AM
18	A Never. 11:29:25AM	18	Q Where did you see this? 11:31:55AM
19	Q Did you ever use that phrase, German 11:29:26AM	19	A Actually, yesterday. One of the 11:31:56AM
20	sausage? 11:29:28AM	20	documents I forgot that I reviewed with my 11:31:59AM
21	A Yes. 11:29:29AM	21	attorney, Mr. Connolly. 11:32:01AM
22	MR. NOVIKOFF: You mean from a deli? 11:29:30AM	22	Q Did you create this 11:32:03AM
23	A Yes, I have. 11:29:31AM	23	A No. 11:32:05AM
24	Q What did you mean by German sausage? 11:29:32AM		Q business card? 11:32:05AM
25	A I don't know. I read it in the 11:29:33AM	25	Did you ever create business cards on 11:32:06AM
	A Tubilit know. Treat it in the 11.27.35 Aivi	123	Did you ever create business cards on 11.32.00Aivi
	Page 375	5	Page 377
1	GEORGE HESSE	1	GEORGE HESSE
2	newspaper in the Post, and so now I use it on a 11:29:36AM	2	the police computer? 11:32:08AM
3	regular basis. 11:29:37AM	3	A Yes. 11:32:09AM
4	Q You use it on a regular basis? 11:29:38AM	4	Q For other officers? 11:32:10AM
5	A Yeah, as a joke. 11:29:41AM	5	A Everyone had access to it to make 11:32:12AM
6	Q Referring to what? 11:29:41AM	6	whatever they wanted. 11:32:15AM
7	A As the German sausage. 11:29:41AM	7	Q My question is, did you ever make them 11:32:17AM
8	Q What are you referring to as a German 11:29:43AM	8	for other officers? 11:32:19AM
9	sausage? 11:29:44AM	9	A I may have. 11:32:20AM
10	A I guess my penis. 11:29:44AM	10	Q You don't recall one way or the other? 11:32:20AM
11	MR. NOVIKOFF: I was thinking a 11:29:47AM	11	A I don't recall, no. 11:32:23AM
12	sandwich. Could be. 11:29:49AM	12	Q Which computer do you make the 11:32:25AM
13	MR. GOODSTADT: I don't want to think 11:29:51AM	13	business cards on? 11:32:28AM
14	of anything. 11:29:51AM	14	A They were made on one of the station 11:32:30AM
15	BY MR. GOODSTADT: 11:30:10AM	15	house computers way back then on a program. I 11:32:31AM
16	Q Did you ever refer to Kevin Lamm as 11:30:11AM	16	think it was Microsoft Publisher at the time. 11:32:34AM
17	being gay or homosexual? 11:30:15AM	17	Q Who created the template for the Ocean 11:32:39AM
18	A I have not, no. 11:30:18AM	18	Beach business card? 11:32:43AM
19	Q Did you ever refer to Kevin Lamm as 11:30:27AM	19	A I may have. 11:32:44AM
20	Kevina, either in writing or verbally? 11:30:29AM	20	Q Is this the template for the Ocean 11:32:45AM
21	A Not that I recall, no. 11:30:35AM	21	Beach business card? The top half of this, is 11:32:46AM
22	Q Did you ever refer to Kevin Lamm as 11:30:36AM	22	that the template? 11:32:49AM
23	his last name Lambo 11:30:38AM	23	A It could've been back in the day. 11:32:51AM
		1	· · · · · · · · · · · · · · · · · · ·
24	A Oh, sure. 11:30:42AM	24	This is old. 11:32:53AM
	A Oh, sure. 11:30:42AM  Q either in writing or verbally? 11:30:43AM	24 25	This is old. 11:32:53AM  Q So you don't recall one way or the 11:32:54AM

19 (Pages 374 to 377)

•	13	197	
	Page 378		Page 380
1	GEORGE HESSE	1	GEORGE HESSE
2	other whether that was the template? 11:32:56AM	2	A I may have. 11:34:28AM
3	A It may have been. 11:32:58AM	3	Q How many times? 11:34:31AM
4	Q And is that the phone number of the 11:32:59AM	4	A I don't know. 11:34:32AM
5	station house? 11:33:02AM	5	Q What's your understanding of what a 11:34:35AM
6	A No. 11:33:03AM	6	rat is in police terminology? 11:34:36AM
7	MR. CONNOLLY: When? 11:33:03AM	7	MR. NOVIKOFF: Objection. 11:34:39AM
8	Q Is that the address of the station 11:33:05AM	8	MR. CONNOLLY: In police terminology? 11:34:42AM
9	house? 11:33:08AM	9	MR. GOODSTADT: Yeah. 11:34:44AM
10	A Yes. 11:33:08AM	10	BY MR. GOODSTADT: 11:34:44AM
11	Q Is that the fax number or was the fax 11:33:09AM	11	Q You know, when you call another police 11:34:44AM
12	number of the station house? 11:33:09AM	12	officer a rat, what does that mean? 11:34:46AM
13	A It was, I guess, when 516 was the area 11:33:11AM	13	MR. NOVIKOFF: Objection. 11:34:48AM
14	code. This is really old. 11:33:14AM	14	MR. CONNOLLY: Objection. 11:34:49AM
15	Q And was that the telephone number? 11:33:16AM	15	A It could be a tattletale. It could be 11:34:50AM
16	A Back in the day, yeah. 11:33:18AM	16	vermin, low, dirty down. You know. 11:34:53AM
17	Q Isn't it true that you handed this 11:33:21AM	17	Q How about a mutt, did you ever use 11:34:57AM
18	card to Kevin Lamm? 11:33:22AM	18	that term? 11:34:59AM
19	MR. NOVIKOFF: Objection. 11:33:24AM	19	A Yes. 11:35:00AM
20	A I didn't hand this to Kevin Lamm, no. 11:33:24AM	20	Q What does a mutt mean? 11:35:00AM
21	Q Do you believe that Kevin Lamm is 11:33:35AM	21	MR. NOVIKOFF: In police parlance? 11:35:04AM
22	homosexual? 11:33:37AM	22	MR. GOODSTADT: Yeah, in police 11:35:06AM
23	MR. NOVIKOFF: Objection. 11:33:38AM	23	parlance. 11:35:07AM
24	MR. CONNOLLY: Objection. 11:33:39AM	24	MR. NOVIKOFF: Objection. 11:35:08AM
25	MR. NOVIKOFF: Objection. 11:33:40AM	25	A Dirtbag. 11:35:09AM
	•	-	-
	Page 379		Page 381
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. CONNOLLY: What's the relevance? 11:33:40AM	2	Q Is it different than a rat? 11:35:09AM
3	MR. GOODSTADT: Well, the relevance 11:33:42AM	3	MR. NOVIKOFF: In police parlance? 11:35:12AM
4	is, you know 11:33:43AM	4	MR. GOODSTADT: Yes. 11:35:14AM
5	MR. NOVIKOFF: Are you making a claim 11:33:44AM	5	MR. NOVIKOFF: Objection. 11:35:15AM
6	of discrimination based on sexual 11:33:45AM	6	A I guess you could use it different 11:35:16AM
7	orientation? 11:33:47AM	7	ways, but yes. They're a little different. 11:35:17AM
8	MR. GOODSTADT: No. We're making a 11:33:49AM	8	Q In police parlance, what's the 11:35:20AM
9	claim of defamation. We're making a claim 11:33:50AM	9	difference between a rat and a mutt? 11:35:22AM
10	of slander. And if we have to amend the 11:33:52AM	10	MR. NOVIKOFF: Objection. 11:35:26AM
11	complaint, we will. 11:33:55AM	11	A To differentiate the difference, a rat 11:35:26AM
12	MR. NOVIKOFF: I look forward to you 11:33:57AM	12	could be a tattletale. 11:35:27AM
13	amending the complaint, obviously. 11:33:58AM	13	Q Right. 11:35:29AM
14	It's your witness. 11:34:01AM	14	A A rat could be just vermin. And a 11:35:30AM
15	MR. CONNOLLY: I agree, but you can 11:34:03AM	15	mutt could just be a dirtbag. I don't know. 11:35:34AM
16	answer. 11:34:04AM	16	Q When you say you could've called Kevin 11:35:47AM
17	MR. GOODSTADT: And your objections, 11:34:05AM	17	Lamm a rat, is there any incident that you're 11:35:49AM
18	as we've gone over thousands of times, 11:34:06AM	18	referring to? 11:35:52AM
19	patently irrelevant, are reserved. 11:34:08AM	19	A I may have written something on the 11:35:52AM
20	MR. NOVIKOFF: Sometimes yes, 11:34:12AM	20	blog or something like that. 11:35:54AM
21	sometimes no. 11:34:12AM	21	Q What did you write on the blog? 11:35:56AM
22	MR. CONNOLLY: If you have an opinion. 11:34:14AM	22	A I don't know. I'd have to go through 11:35:58AM
23	A I don't believe he is, but I don't 11:34:18AM	23	the blog. 11:35:59AM
24	have an opinion, really. 11:34:19AM	24	Q Did you ever verbally call Kevin Lamm 11:36:05AM
25	Q Did you ever call Kevin Lamm a rat? 11:34:25AM	25	a rat? 11:36:07AM

20 (Pages 378 to 381)

	13	198	
	Page 382		Page 384
1	GEORGE HESSE	1	GEORGE HESSE
2	A Not that I recall, no. 11:36:08AM	2	A No. 11:37:54AM
3	Q Do you recall what your posting name 11:36:19AM	3	Q Did you ever use Man Up Jerk-offs? 11:37:55AM
4	was on the blog when you called Kevin Lamm a 11:36:21AM	4	A No. 11:37:58AM
5	rat? 11:36:24AM	5	Q Did you ever post 11:37:58AM
6	A Specifically, no. 11:36:24AM	6	MR. NOVIKOFF: On the blog? 11:38:00AM
7	Q The last time you testified to four 11:36:25AM	7	MR. GOODSTADT: On the blog. 11:38:01AM
8	names that thought that you used, Still 11:36:27AM	8	BY MR. GOODSTADT: 11:38:03AM
9	Employed, Still Employed 2, Dirty and Dirty 1. 11:36:29AM	9	Q Did you ever use no name and just post 11:38:03AM
10	A Uh-huh. 11:36:32AM	10	without putting in a name? 11:38:07AM
11	Q Any other names that you can think of 11:36:33AM	11	A I don't think it lets you do that, but 11:38:08AM
12	that you used on the blog? 11:36:35AM	12	no. I don't think so, no. 11:38:10AM
13	A There are others, but I don't recall 11:36:36AM	13	Q Have you ever seen Joe Nofi, Frank 11:38:17AM
14	them at this time. 11:36:38AM	14	Fiorillo or Kevin Lamm come into contact with 11:38:20AM
15	Q Did you ever use Rat Hater? 11:36:48AM	15	somebody who they did not beat up? 11:38:24AM
16	A I don't think so. 11:36:50AM	16	A What? 11:38:27AM
17	MR. NOVIKOFF: On the blog? 11:36:52AM	17	MR. NOVIKOFF: Wait, wait. Hold on. 11:38:28AM
18	MR. GOODSTADT: On the blog. 11:36:53AM	18	MR. CONNOLLY: Objection. 11:38:30AM
19	BY MR. GOODSTADT: 11:36:55AM	19	MR. NOVIKOFF: You know, that may not 11:38:30AM
20	Q Did you ever use Forever Employed? 11:36:55AM	20	be objectionable to form. I just want to 11:38:32AM
21	A I don't know. I'd have to look at the 11:36:57AM	21	hear the question. 11:38:34AM
22	post. 11:36:59AM	22	If you can repeat that back for me. 11:38:35AM
23	Q Did you ever use Guest with 15 ones 11:36:59AM	23	(Whereupon, the referred to portion 11:38:45AM
24	after it? 11:37:03AM	24	was read back by the court reporter: Have 11:38:45AM
25	A No, I don't think so. 11:37:04AM	25	you ever seen Joe Nofi, Frank Fiorillo or 11:38:45AM
	71 100, 1 doi: t dillik 50. 11.57.047.101	23	you ever seen for from, frank fromto of 11.50.45AW
	Page 383		Page 385
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Or just the handle just 15 ones? 11:37:04AM	2	Kevin Lamm come into contact with somebody 11:38:45AM
3	A No, I don't think so. 11:37:07AM	3	who they did not beat up?) 11:38:45AM
4	Q Did you ever use Guest 11770 or just 11:37:08AM	4	MR. NOVIKOFF: You mean other than the 11:38:46AM
5	the number 11770? 11:37:12AM	5	people at this table? 11:38:47AM
6	A No. 11:37:16AM	6	MR. GOODSTADT: While they were police 11:38:52AM
7	Q Did you use Free the Four? 11:37:16AM	7	officers. 11:38:53AM
8	A I may have. 11:37:18AM	8	MR. CONNOLLY: That's a simple yes or 11:38:57AM
9	MR. NOVIKOFF: Is it Free T-H-E 11:37:24AM	9	no. 11:38:59AM
10	F-O-U-R? 11:37:25AM	10	THE WITNESS: Yeah, I know. I'm just 11:38:59AM
11	MR. GOODSTADT: Yes. 11:37:29AM	11	trying to figure that one out. 11:39:01AM
12	BY MR. GOODSTADT: 11:37:31AM	12	A Yeah, I guess. 11:39:03AM
13	Q Did you ever use Just the Facts Ma'am? 11:37:32AM	13	Q So a statement that the three of them 11:39:05AM
14	A I don't think so, no. 11:37:34AM	14	beat up everyone they came into contact with 11:39:08AM
15	Q Did you ever use Your Turn Boys? 11:37:36AM	15	would be false, correct? 11:39:11AM
16	A I don't think so. 11:37:38AM	16	A Yeah. 11:39:14AM
17	Q Did you ever use Misconduct? 11:37:39AM	17	Q Did you ever state or insinuate on the 11:39:18AM
18	A No. 11:37:41AM	18	blog that any of the plaintiffs were gay or 11:39:20AM
19	Q Did you ever use Frank the Fag? 11:37:42AM	19	homosexual? 11:39:23AM
20	A No. 11:37:44AM	20	A I may have. 11:39:25AM
21	Q Did you ever use Miss You Guys? 11:37:44AM	21	Q Do you recall which plaintiff you 11:39:27AM
22	A No. 11:37:47AM	22	stated that about on the blog? 11:39:29AM
23	Q Did you ever use Hate the Five? 11:37:48AM	23	A I don't recall. 11:39:31AM
24	A I don't think so, no. 11:37:50AM	24	Q Was it Kevin Lamm? 11:39:33AM
	0 71 7 10 44 27 74 17	١٥٢	A I might have. 11:39:34AM
25	Q Did you ever use On the Level? 11:37:52AM	25	A I might have. 11:39:34AM

21 (Pages 382 to 385)

	13	199	
	Page 386		Page 388
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Frank Fiorillo? 11:39:35AM	2	Q How about Page 2 of Hesse 13, did you 11:42:38AM
3	A I might have. 11:39:36AM	3	ever see this? 11:42:41AM
4		4	A Yes. 11:42:42AM
5	· ·	5	
	gay or homosexual? 11:39:40AM	6	Q And was this where was this 11:42:43AM strike that. 11:42:46AM
6	A Nah. 11:39:42AM	1	
7	Q Any other plaintiffs you insinuated 11:39:46AM	7	What is Page 2 of Hesse 13? 11:42:47AM
8	were gay or homosexual other than Mr. Fiorillo 11:39:49AM	8	A Basically just what I described, same 11:42:51AM
9	or Mr. Lamm? 11:39:52AM	9	exact thing in the same area, writing on the 11:42:53AM
10	A I'm sure all five of the plaintiffs at 11:39:54AM	10	wall in the bathroom. 11:42:56AM
11	some point. 11:39:56AM	11	Q Were you the author of what's depicted 11:42:58AM
12	Q Do you believe that any of the five 11:39:57AM	12	on the second page of Hesse 13? 11:42:59AM
13	plaintiffs are gay or homosexual? 11:39:58AM	13	A Absolutely not, no. 11:43:01AM
14	A No, I don't. 11:40:00AM	14	Q Do you know who wrote what was on the 11:43:02AM
15	Q Did you ever call any of the 11:40:14AM	15	second page of Hesse 13? 11:43:04AM
16	plaintiffs a mutt? 11:40:15AM	16	A No, I don't. 11:43:05AM
17	MR. NOVIKOFF: On the blog? 11:40:16AM	17	Q Did you ever speak to any of the 11:43:07AM
18	MR. GOODSTADT: At any point. On the 11:40:18AM	18	officers about marking up the walls in the 11:43:09AM
19	blog, off the blog, verbally, in writing. 11:40:20AM	19	bathroom? 11:43:11AM
20	A Yeah. 11:40:23AM	20	A At some point, I believe I wrote on 11:43:15AM
21	Q When? 11:40:24AM	21	the wall and said "stop writing on the wall," 11:43:17AM
22	A I don't recall. 11:40:25AM	22	and I told everybody to stop writing on the 11:43:19AM
23	MR. GOODSTADT: Mark that. 11:40:54AM	23	wall. 11:43:22AM
24	(Whereupon, picture of writing on the 11:40:56AM	24	Q What do you mean, you wrote "stop 11:43:22AM
25	wall was marked as Plaintiff's Exhibit 13 11:40:56AM	25	writing on the wall"? Was it a directive you 11:43:22AM
	Page 387		Page 389
1		1	
1 2	GEORGE HESSE for identification, as of this date.) 11:40:56AM	1 2	GEORGE HESSE
3	·	1	posted or you actually wrote it 11:43:23AM  A No. I wrote it right underneath all 11:43:25AM
	MR. GOODSTADT: I've placed in front 11:41:48AM of Mr. Hesse what's now been marked as 11:41:49AM	3	S
4 5		4 5	this stuff. I said, "Stop writing on the wall, 11:43:27AM 103." 11:43:31AM
	Hesse 13. It is a two-page exhibit. I 11:41:51AM	'	
6	don't believe it bears any Bates numbers. 11:41:55AM	6	Q And who did you tell to stop writing 11:43:32AM
/	BY MR. GOODSTADT: 11:41:57AM	7	on the wall? 11:43:32AM
8	Q Mr. Hesse, have you ever seen the 11:41:58AM	8	A I believe I made a general statement 11:43:33AM
9	first page of what's been marked as Hesse 13? 11:42:00AM	9	to everybody that was working in the department. 11:43:35AM
10	A Yes. 11:42:03AM	10	Q Do you recall when that was? 11:43:37AM
11	Q Okay. And what is this depicting? 11:42:03AM	11	A I don't, no. 11:43:39AM
12	A I believe it was in our bathroom stall 11:42:05AM	12	Q And when was the two pictures that are 11:43:39AM
13	in the police station on a wood wall that you 11:42:08AM	13	depicted in Hesse 13, when were those things 11:43:43AM
14	would face. If you were a man standing up and 11:42:13AM	14	written on the wall? 11:43:46AM
15	urinating into the toilet, you could see 11:42:17AM	15	A You know, I don't know. I know I 11:43:47AM
	· ·	1 1 6	believe Laminated and Snyderized was up for 11:43:50AM
16	straight in front of you what was written on the 11:42:19AM	16	
16 17	straight in front of you what was written on the 11:42:19AM wall. 11:42:23AM	17	quite a while. 11:43:56AM
16 17 18	straight in front of you what was written on the 11:42:19AM wall.  11:42:23AM  Q Do you know who wrote this?  11:42:23AM	17 18	Q Did you ever take any steps to have it 11:43:58AM
16 17 18 19	straight in front of you what was written on the 11:42:19AM wall.  11:42:23AM  Q Do you know who wrote this?  11:42:23AM  A I have no idea.  11:42:24AM	17 18 19	Q Did you ever take any steps to have it 11:43:58AM removed? 11:44:01AM
16 17 18 19 20	straight in front of you what was written on the 11:42:19AM wall.  11:42:23AM  Q Do you know who wrote this? 11:42:23AM  A I have no idea. 11:42:24AM  Q Did Snyder ever complain to you about 11:42:25AM	17 18 19 20	Q Did you ever take any steps to have it 11:43:58AM removed? 11:44:01AM  A Oh, I've removed it but, you know, not 11:44:01AM
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16 17 18 19 20 21 22	straight in front of you what was written on the 11:42:19AM wall.  Q Do you know who wrote this?  A I have no idea.  Did Snyder ever complain to you about 11:42:25AM the first page of Hesse 13?  A It was never complained, no.  11:42:29AM	17 18 19 20 21 22	Q Did you ever take any steps to have it 11:43:58AM removed? 11:44:01AM  A Oh, I've removed it but, you know, not 11:44:01AM then. 11:44:05AM  Q I'm talking about then. Did you ever 11:44:06AM
16 17 18 19 20 21 22 23	straight in front of you what was written on the 11:42:19AM wall.  Q Do you know who wrote this?  A I have no idea.  Did Snyder ever complain to you about 11:42:25AM the first page of Hesse 13?  A It was never complained, no.  11:42:29AM  A And were you the author of what's on 11:42:34AM	17 18 19 20 21 22 23	Q Did you ever take any steps to have it 11:43:58AM removed? 11:44:01AM  A Oh, I've removed it but, you know, not 11:44:01AM then. 11:44:05AM  Q I'm talking about then. Did you ever 11:44:06AM take any steps to have it removed? You said it 11:44:08AM
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16 17 18 19 20 21 22 23	straight in front of you what was written on the 11:42:19AM wall.  Q Do you know who wrote this?  A I have no idea.  Did Snyder ever complain to you about 11:42:25AM the first page of Hesse 13?  A It was never complained, no.  11:42:29AM  A And were you the author of what's on 11:42:34AM	17 18 19 20 21 22 23	Q Did you ever take any steps to have it 11:43:58AM removed? 11:44:01AM  A Oh, I've removed it but, you know, not 11:44:01AM then. 11:44:05AM  Q I'm talking about then. Did you ever 11:44:06AM take any steps to have it removed? You said it 11:44:08AM

22 (Pages 386 to 389)

	13	<u> </u>	
	Page 390		Page 392
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Objection. That wasn't 11:44:13AM	2	Tutone is? 12:02:24PM
3	what you asked him when he responded "quite 11:44:14AM	3	A Yes. 12:02:25PM
4	a while." Objection to form, but 11:44:17AM	4	O Who is Frank Tutone? 12:02:25PM
	BY MR. GOODSTADT: 11:44:19AM	5	
6	Q How long is quite a while? 11:44:19AM	6	Q Have you ever been to Mr. Tutone's 12:02:34PM
7	MR. NOVIKOFF: He said he saw it quite 11:44:22AM	7	residence? 12:02:37PM
8	a while ago, I believe. 11:44:23AM	8	MR. CONNOLLY: In what capacity? 12:02:38PM
9	MR. GOODSTADT: Can you go back to the 11:44:26AM	9	MR. GOODSTADT: At any time. 12:02:40PM
10	answer "quite a while." 11:44:27AM	10	A Yes. 12:02:40PM
11	MR. CONNOLLY: Ask him. 11:44:29AM	11	Q How many times have you been to his 12:02:42PM
12	MR. GOODSTADT: I want to see what he 11:44:30AM	12	residence? 12:02:44PM
13	said. 11:44:31AM	13	A Maybe four times. 12:02:47PM
14 H	BY MR. GOODSTADT: 11:45:01AM	14	Q Have you ever been there on non-police 12:02:49PM
15	Q You testified that it was up for quite 11:45:01AM	15	business? 12:02:51PM
16 <b>a</b>	a while. 11:45:03AM	16	A Never. 12:02:52PM
17	A Uh-huh. 11:45:04AM	17	Q So all four times was on police 12:02:54PM
18	MR. NOVIKOFF: I don't recall it that 11:45:05AM	18	business? 12:02:56PM
19	way, but it is what it is. 11:45:05AM	19	A Yes. 12:02:56PM
20	MR. GOODSTADT: I have the transcript. 11:45:08AM	20	Q And what was the police business at 12:02:57PM
21	=		-
22	You can play the video, if you want. 11:45:08AM	21	Mr. Tutone's residence that you were there for? 12:02:59PM
	MR. NOVIKOFF: I don't see a 11:45:15AM	22	A To arrest him. 12:03:02PM
23	transcript. It's on the video. 11:45:15AM	23	Q All four times? 12:03:03PM
24	My objection stands. 11:45:15AM	24	A I believe so, yes. 12:03:04PM
25		25	Q What was he arrested for? 12:03:05PM
	Page 391		Page 393
1	GEORGE HESSE	1	GEORGE HESSE
	BY MR. GOODSTADT: 11:45:17AM	2	A Hmm, God, so many things. Aggravated 12:03:08PM
3	Q So during the strike that. 11:45:17AM	3	harassment on several occasions. Domestic 12:03:11PM
4	What did you mean by quite a while, 11:45:19AM	4	violence type stuff. 12:03:18PM
	how long? 11:45:22AM	5	
	9	6	Q And domestic violence against whom? 12:03:27PM A That would be his on-and-off 12:03:29PM
6	A I believe it was years. I believe 11:45:22AM	0	
	that this stuff was on the wall for years. 11:45:24AM		
	•	7	girlfriend, Lisa Campbell. 12:03:32PM
8	Q And during those years, did you ever 11:45:27AM	8	girlfriend, Lisa Campbell. 12:03:32PM  Q Are you aware of a time where 12:03:38PM
8 9 <b>d</b>	Q And during those years, did you ever 11:45:27AM do anything to take it down other than for write 11:45:28AM	9	girlfriend, Lisa Campbell. 12:03:32PM  Q Are you aware of a time where 12:03:38PM  Ms. Campbell was in the station and Richard 12:03:42PM
8 9 <b>d</b> 10 '	Q And during those years, did you ever 11:45:27AM do anything to take it down other than for write 11:45:28AM "stop writing on the walls, 103"? 11:45:32AM	9 10	girlfriend, Lisa Campbell. 12:03:32PM  Q Are you aware of a time where 12:03:38PM  Ms. Campbell was in the station and Richard 12:03:42PM  Bosetti was giving her wine to drink? 12:03:45PM
8 9 <b>6</b> 10 '	Q And during those years, did you ever 11:45:27AM do anything to take it down other than for write 11:45:28AM "stop writing on the walls, 103"? 11:45:32AM  A No. 11:45:35AM	9 10 11	girlfriend, Lisa Campbell. 12:03:32PM  Q Are you aware of a time where 12:03:38PM  Ms. Campbell was in the station and Richard 12:03:42PM  Bosetti was giving her wine to drink? 12:03:45PM  MR. NOVIKOFF: Objection to form. 12:03:53PM
8 9 10 11 12	Q And during those years, did you ever 11:45:27AM do anything to take it down other than for write 11:45:28AM "stop writing on the walls, 103"? 11:45:32AM A No. 11:45:35AM Q Did Kevin Lamm ever complain to you 11:45:36AM	9 10 11 12	girlfriend, Lisa Campbell. 12:03:32PM  Q Are you aware of a time where 12:03:38PM  Ms. Campbell was in the station and Richard 12:03:42PM  Bosetti was giving her wine to drink? 12:03:45PM  MR. NOVIKOFF: Objection to form. 12:03:53PM  A You know, I don't know. I've heard 12:03:55PM
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23 (Pages 390 to 393)

	13	201	
	Page 394		Page 396
1	GEORGE HESSE	1	GEORGE HESSE
2	A In my opinion, it's inappropriate. 12:04:29PM	2	Q What was the incident about what you 12:06:37PM
3	Q Inappropriate? 12:04:31PM	3	guys had the argument over Bosetti not being at 12:06:40PM
4	A Yeah. 12:04:31PM	4	his post on time? 12:06:43PM
5	Q It's something that would result in 12:04:32PM	5	A That night, early morning we had a 12:06:45PM
6	discipline? 12:04:37PM	6	huge fire. A building burnt to the ground. And 12:06:48PM
7	MR. CONNOLLY: Objection. 12:04:38PM	7	that morning I had to call extra personnel in to 12:06:52PM
8	MR. NOVIKOFF: Objection. Calls for 12:04:39PM	8	relieve some of the officers that were on all 12:06:55PM
9	speculation. 12:04:39PM	9	night long. They were soaking wet. They had 12:06:58PM
10	A No. Not necessarily. 12:04:40PM	10	debris all over them. And I wanted him to get 12:07:02PM
11	Q What do you mean by not necessarily? 12:04:43PM	11	to his post to relief one of those officers 12:07:05PM
12	A I would probably just advise him not 12:04:45PM	12	to so they can go home, rest, change, shower, 12:07:09PM
13	to do that again. 12:04:47PM	13	whatever it is. And I left the scene to go to 12:07:14PM
14	Q Have you ever spoken to Richard 12:04:48PM	14	the police station for something, paperwork or 12:07:18PM
15	Bosetti about that incident? 12:04:50PM	15	something. And Rich Bosetti was sitting there 12:07:21PM
16	MR. NOVIKOFF: Foundation. 12:04:53PM	16	enjoying a cup of coffee and eating a bagel, and 12:07:24PM
17	A I don't recall if I did or not. 12:04:54PM	17	I found that to be inappropriate under the 12:07:27PM
18	Q You don't recall one way or the other? 12:04:55PM	18	circumstances. 12:07:30PM
19	A No. 12:04:56PM	19	Q When was that incident? 12:07:31PM
20	Q Have you ever spoken with anybody, 12:04:57PM	20	A I don't recall the exact date. I'm 12:07:36PM
21	either former or current police officers at 12:04:59PM	21	sure you could show me something that will help 12:07:38PM
22	Ocean Beach, with respect to that incident? 12:05:02PM	22	me recollect. 12:07:42PM
23	A I don't recall if I did or not. 12:05:04PM	23	Q Do you know what year it was? 12:07:43PM
24	Q So you don't know one way or the 12:05:05PM	24	A I believe it was 2007. It may have 12:07:44PM
25	other? 12:05:06PM	25	been in June. June or July. I'm not real 12:07:48PM
23	other: 12:03:00FW	23	been in June. June of Jury. Thi not real 12.07.461 M
	Page 395		Page 397
1	Page 395  GEORGE HESSE	1	Page 397 GEORGE HESSE
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2	GEORGE HESSE A No. 12:05:08PM	2	GEORGE HESSE positive. 12:07:51PM
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24 (Pages 394 to 397)

Page 398   Page 4
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For him. It was the end of the season.   12:09:04PM   7   Q   What do you mean, yeah, but there were 12:09:07PM   7   No. Duras available for him?   12:09:09PM   9   A   I chose not to give him any more   12:09:11PM   12:09:13PM   10   Nours.   12:09:15PM   11   Q   Who made that decision to end his   12:09:13PM   12:09:15PM   12   12:09:15PM   13   A   I did.   12:09:15PM   14   Q   Did you have any did you have to   12:09:16PM   15   get any approval to end his employment?   12:09:19PM   16   No.   12:10:58PM   17   Q   Did you seek anyone's approval to end 12:09:23PM   18   his employment?   12:09:25PM   19   A   I don't recall if I did.   12:09:35PM   19   A   I don't recall if I did.   12:09:35PM   19   A   I don't recall.   12:09
No.   12:10:49PM   12:10:49PM   12:10:49PM   12:10:49PM   12:10:52PM   12:10:52P
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15   get any approval to end his employment?   12:09:19PM   16   A No.   12:09:22PM   16   A No.   12:09:22PM   17   Q Did you seek anyone's approval to end   12:09:23PM   18   is employment?   12:09:25PM   18   A No.   12:11:09PM   19   Q Did you speak to anybody about that   12:09:27PM   19   Q Now, there came a point in time where   12:11:35PM   18   A No.   12:11:09PM   19   Q Now, there came a point in time where   12:11:35PM   18   A Yes.   12:11:41PM   19   Q Now, there came a point in time where   12:11:35PM   18   A Yes.   12:11:41PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   18   No.   12:11:40PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   19   Q Now, there came a point in time where   12:11:35PM   10   A Yes.   12:11:40PM   10   A Yes.   12:11:50PM   10   A Yes.   12:11:50PM   10   A Ye
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24   Loeffler about it?   12:09:35PM   25   A   I may have. I don't recall.   12:09:36PM   25   morning of October 30th into the   12:11:44PM   25   morning of October 31, 2004?   12:11:47PM   25   morning of October 31, 2004?   12:11:47PM   25   morning of October 31, 2004?   12:11:47PM   26   morning of October 31, 2004?   12:11:47PM   27   morning of October 31, 2004?   12:11:47PM   26   morning of October 31, 2004?   12:11:47PM   27   morning of October 31, 2004?   12:11:47PM   27   morning of October 31, 2004?   12:11:47PM   27   morning of October 30th into the   12:11:44PM   25   morning of October 31, 2004?   12:11:47PM   20   Morning of October 31, 2004?   12:11:50PM   20   Morni
Page 399   Page 4    GEORGE HESSE   1   GEORGE HESSE   1   GEORGE HESSE   2   Q   Did you speak to anyone in Civil   12:09:39PM   3   Q   Where did the Halloween incident take   12:11:51PM   4   A   No.   12:09:44PM   4   place?   12:11:53PM   5   A   At a bar called Houser's.   12:11:53PM   5   A   At a bar called Houser's.   12:11:53PM   6   authority to terminate his employment?   12:09:46PM   7   A   I believe I did.   12:09:50PM   8   A   I believe I did.   12:09:50PM   9   Q   And what's the basis of that belief?   12:09:54PM   10   A   By my title and position.   12:09:56PM   10   A   Deputy acting acting who knows.   12:10:01PM   12   Q   Had you ever been in there on   12:12:11PM   13   A   Deputy acting chief of police.   12:10:08PM   14   A   Deputy acting chief of police.   12:10:13PM   15   Q   But you testified last time that you   12:10:13PM   16   Q   Had you ever drank at Houser's prior   12:12:18PM   16   Q   Had you ever drank at Houser's prior   12:12:18PM   12:12:18PM   16   Q   Had you ever drank at Houser's prior   12:12:18PM   12:12:12:18PM   12:12:18PM   12:12:18PM   12:12:12:18PM   12:
Page 399   Page 4
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17 A Vac 12:10:15DM 17 to the Hellowson incident 9 12:12:20DM
17 A Yes.   12:10:15PM   17 to the Halloween incident?   12:12:20PM
MR. NOVIKOFF: Objection. 12:10:16PM 18 MR. NOVIKOFF: Objection to form. 12:12:23PM
19 BY MR. GOODSTADT: 12:10:17PM 19 On police business or not on police 12:12:24PM
20 <b>Q So during that period time? 12:10:17PM</b> 20 business? 12:12:26PM
21 A 2007, no. Paradiso was still employed 12:10:19PM 21 BY MR. GOODSTADT: 12:12:27PM
by the village, so I would be the deputy chief. 12:10:21PM 22 Q Did you ever drink on police business 12:12:27PM
LZ ) U VOIED DIA THE CHANGE HANNEN DETWEED LZ HUZSEN LZ SKILL OF WHILE VAIL WERE AN AUTO AT HANGER'S BRIAR TA 17+17+7XI
Q When did the change happen between 12:10:25PM 23 or while you were on duty at Houser's prior to 12:12:28I
23 Q When did the change happen between 12:10:25PM 23 or while you were on duty at Houser's prior to 12:12:28PM 24 deputy chief and chief? 12:10:27PM 25 A I believe he retired officially July 12:10:29PM 25 A Never. 12:12:31PM

25 (Pages 398 to 401)

	<del></del>	3203
	Page 402	Page 404
1	GEORGE HESSE	1 GEORGE HESSE
2	Q How about subsequent to October 31st, 12:12:32PM	2 A No. 12:14:26PM
3	2004? 12:12:33PM	3 Q And what was your title at that time? 12:14:33PM
4	A Never. 12:12:36PM	4 A Sergeant. 12:14:37PM
5	Q Did you ever drink off duty in 12:12:36PM	5 Q How did you first learn that there was 12:14:49PM
6	Houser's prior to October 31, 2004? 12:12:38PM	6 an incident on Halloween of 2004? 12:14:50PM
7	A Yes. 12:12:40PM	7 A The early evening of Sunday, I 12:14:55PM
8	Q Did you ever drink off duty subsequent 12:12:42PM	8 believe, the 31st, I received a call from Ed 12:14:58PM
9	to October 31, 2004? 12:12:45PM	9 Paradiso telling me that he had fired Gary 12:15:01PM
10	A Yes. 12:12:46PM	10 Bosetti for an incident that had taken place at 12:15:06PM
11	Q Who was the owner of Houser's at the 12:12:47PM	11 the bar, that Gary had gone berserk with a pool 12:15:09PM
12	time of the Halloween incident? 12:12:50PM	12 cue and was hitting patrons of the bar. 12:15:14PM
13	A I believe there's partners involved in 12:12:51PM	Q Do you recall anything else that was 12:15:18PM
14	the bar. I think the major principals are Brian 12:12:53PM	14 discussed during that phone call? 12:15:19PM
15	O'Hanley and Alan Stillman. 12:12:58PM	15 A I asked him what makes him think that 12:15:21PM
16	Q Did you know Mr. O'Hanley prior to 12:13:09PM	16 Gary went nuts and why, and he didn't know why. 12:15:23PM
17	October 31, 2004? 12:13:13PM	17 Q Did he tell you what made him think 12:15:30PM
18	A Yes. 12:13:14PM	18 that Gary went nuts? 12:15:33PM
19	Q Were you friendly with him? 12:13:16PM	19 A No. He just said that he was involved 12:15:34PM
20	A Not really. 12:13:18PM	20 in a fight, that he believes he was involved in 12:15:36PM
21	Q Did you ever issue any summonses to 12:13:19PM	21 a fight, and that he picked up a pool stick and 12:15:39PM
22	Houser's at any point in time? 12:13:21PM	22 just started hitting people with it. 12:15:42PM
23	A Yes. 12:13:23PM	Q Was anything else discussed during 12:15:45PM
24	Q How many times? 12:13:23PM	24 that phone call? 12:15:46PM
25	A Maybe three times. 12:13:27PM	25 A Yes. He said that when I get in on 12:15:47PM
	Page 403	Page 405
1	Page 403	Page 405
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE  Q Were they prior to Halloween '04 or 12:13:29PM	1 GEORGE HESSE 2 Monday morning, he wants me to investigate what 12:15:50PM
2	GEORGE HESSE  Q Were they prior to Halloween '04 or after? 12:13:29PM	1 GEORGE HESSE 2 Monday morning, he wants me to investigate what 12:15:50PM 3 was going on. 12:15:54PM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	GEORGE HESSE  Q Were they prior to Halloween '04 or after?  12:13:31PM  A Prior.  12:13:31PM  Q Are you friends with Mr. Stillman?  12:13:34PM  A No.  12:13:36PM  Q Did you know him prior to Halloween  2004?  12:13:38PM  A Yes.  12:13:39PM  Q Did you ever socialize with either of 12:13:42PM  them?  12:13:44PM  A No.  12:13:45PM  Q Okay. Where were you the night of the 12:13:45PM  Halloween incident?  12:13:51PM  A I was at a wedding. I was in a 12:13:52PM  wedding party for a friend of mine.  12:13:54PM  Q Where was that wedding?  A Good question. I believe the church 12:14:02PM  might have been in let me see, Bayport. And 12:14:04PM  then the reception was Port Jeff somewhere.  12:14:10PM  Q So you were in Suffolk County at the 12:14:18PM	Monday morning, he wants me to investigate what 12:15:50PM was going on. 12:15:54PM Q Anything else that was discussed 12:16:01PM during that call? 12:16:02PM A Not that I recall. 12:16:04PM Q Did you speak with anybody else about 12:16:09PM the Halloween incident prior to going in on that 12:16:11PM Monday morning? 12:16:15PM A Yes. 12:16:16PM Q Who did you speak with? 12:16:16PM Q Who did you speak with? 12:16:17PM Q Okay. When did you speak with 12:16:20PM Well, strike that. 12:16:23PM Who did you speak with first, Frank 12:16:24PM Fiorillo or Kevin Lamm? 12:16:24PM Fiorillo or Kevin Lamm, I believe. 12:16:27PM A Kevin Lamm, I believe. 12:16:27PM A I'm sure it was shortly after I spoke 12:16:30PM To Ed Paradiso. I was standing in Home Depot 12:16:32PM parking lot in Bay Shore when I made contact 12:16:37PM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	GEORGE HESSE  Q Were they prior to Halloween '04 or after?  12:13:31PM  A Prior.  12:13:31PM  Q Are you friends with Mr. Stillman?  12:13:34PM  A No.  12:13:36PM  Q Did you know him prior to Halloween  12:13:37PM  2004?  12:13:38PM  A Yes.  12:13:39PM  Q Did you ever socialize with either of 12:13:42PM  them?  12:13:44PM  A No.  12:13:45PM  Q Okay. Where were you the night of the 12:13:45PM  Halloween incident?  12:13:51PM  A I was at a wedding. I was in a 12:13:52PM  wedding party for a friend of mine.  12:13:54PM  Q Where was that wedding?  12:13:58PM  A Good question. I believe the church 12:14:02PM  might have been in let me see, Bayport. And 12:14:04PM  then the reception was Port Jeff somewhere.  12:14:10PM  Q So you were in Suffolk County at the 12:14:18PM  time?	Monday morning, he wants me to investigate what 12:15:50PM was going on. 12:15:54PM Q Anything else that was discussed 12:16:01PM during that call? 12:16:02PM A Not that I recall. 12:16:04PM Q Did you speak with anybody else about 12:16:09PM the Halloween incident prior to going in on that 12:16:11PM Monday morning? 12:16:15PM A Yes. 12:16:16PM Q Who did you speak with? 12:16:16PM Q Who did you speak with anybody else about 12:16:19PM Q Who did you speak with? 12:16:16PM L2 A Frank Fiorillo and Kevin Lamm. 12:16:17PM Q Okay. When did you speak with 12:16:20PM well, strike that. 12:16:23PM Who did you speak with first, Frank 12:16:24PM Fiorillo or Kevin Lamm? 12:16:26PM A Kevin Lamm, I believe. 12:16:27PM Q And when did you speak with him? 12:16:28PM A I'm sure it was shortly after I spoke 12:16:30PM to Ed Paradiso. I was standing in Home Depot 12:16:37PM parking lot in Bay Shore when I made contact 12:16:37PM with Kevin. 12:16:40PM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Q Were they prior to Halloween '04 or after?  12:13:31PM  A Prior.  12:13:31PM  Q Are you friends with Mr. Stillman?  A No.  12:13:36PM  Q Did you know him prior to Halloween  12:13:38PM  A Yes.  12:13:38PM  A Yes.  12:13:39PM  Q Did you ever socialize with either of 12:13:42PM  them?  12:13:44PM  A No.  12:13:45PM  Q Okay. Where were you the night of the 12:13:45PM  Halloween incident?  12:13:51PM  A I was at a wedding. I was in a 12:13:52PM  wedding party for a friend of mine.  12:13:54PM  Q Where was that wedding?  12:13:58PM  A Good question. I believe the church 12:14:02PM  might have been in let me see, Bayport. And 12:14:02PM  then the reception was Port Jeff somewhere.  12:14:10PM  Q So you were in Suffolk County at the 12:14:18PM  time?  12:14:19PM  A Yes.  12:14:19PM	Monday morning, he wants me to investigate what 12:15:50PM was going on. 12:15:54PM Q Anything else that was discussed 12:16:01PM during that call? 12:16:04PM Q Did you speak with anybody else about 12:16:09PM the Halloween incident prior to going in on that 12:16:11PM Monday morning? 12:16:15PM Q Who did you speak with? 12:16:16PM Q Who did you speak with? 12:16:17PM Q Who did you speak with 12:16:17PM Q Okay. When did you speak with 12:16:20PM well, strike that. 12:16:23PM Who did you speak with first, Frank 12:16:24PM Fiorillo or Kevin Lamm? 12:16:24PM A Kevin Lamm, I believe. 12:16:27PM Q And when did you speak with him? 12:16:28PM A I'm sure it was shortly after I spoke 12:16:30PM to Ed Paradiso. I was standing in Home Depot 12:16:32PM parking lot in Bay Shore when I made contact 12:16:37PM with Kevin. 12:16:40PM Q It was on the phone you made contact 12:16:41PM

26 (Pages 402 to 405)

	13	204	
	Page 406		Page 408
1	GEORGE HESSE	1	GEORGE HESSE
2	Q Did you reach out to him or did he 12:16:45PM	2	Q How long after the Lamm call was the 12:18:33PM
3	reach out to you? 12:16:45PM	3	Fiorillo discussion? 12:18:35PM
4	A I called him. 12:16:46PM	4	A Within minutes. 12:18:37PM
5	Q Where was he located? 12:16:46PM	5	Q Did you reach out to Fiorillo or did 12:18:38PM
6	A I have no idea. 12:16:46PM	6	he reach out to you? 12:18:40PM
7	Q Did you call him on his cell phone, 12:16:47PM	7	A I believe I called him. 12:18:41PM
8	his house phone, station phone? 12:16:49PM	8	Q Uh-huh. What phone did you call him 12:18:43PM
9	A I believe it was his cell phone. 12:16:52PM	9	on? 12:18:45PM
10	Q Tell me everything you recall being 12:16:55PM	10	A You know, I don't recall. 12:18:46PM
11	discussed in that conversation. 12:16:57PM	11	Q Do you know where he was at the time? 12:18:49PM
12	A I basically remember asking him what 12:16:58PM	12	A No. 12:18:51PM
13	had happened and, you know, what made him think 12:17:00PM	13	Q Was he on duty at the time? 12:18:52PM
14	that Gary went berserk with the pool stick, and 12:17:05PM	14	A When I called him, I don't believe so. 12:18:54PM
15	he kept saying he didn't know why. He kept 12:17:08PM	15	Q Was Lamm on duty when you spoke with 12:18:56PM
16	saying, I don't know. 12:17:12PM	16	him? 12:18:57PM
17	Q Well, did he tell you that Gary went 12:17:14PM	17	A I don't believe so. 12:18:58PM
18	berserk with a pool stick or is that something 12:17:17PM	18	Q Okay. Tell me everything you recall 12:18:59PM
19	that Paradiso said? 12:17:20PM	19	in your discussion with Fiorillo. 12:19:01PM
20	A I might be conflicting on the two, but 12:17:22PM	20	A The phone conversation was pretty much 12:19:04PM
21	he did say that Gary struck these individuals. 12:17:24PM	21	the same. They just Fiorillo said that he 12:19:06PM
22	I don't know if he named them specifically, but 12:17:28PM	22	just didn't know what had happened. 12:19:10PM
23	he hit somebody with the pool stick. 12:17:30PM	23	Q Did he give you any details? 12:19:17PM
24	Q When you say didn't know the name of 12:17:32PM	24	A Not that I recall specifically other 12:19:20PM
25	the individuals, the people who were struck or 12:17:35PM	25	than he didn't know what had happened. 12:19:21PM
	Page 407		Page 409
1	GEORGE HESSE	1	GEORGE HESSE
2	did he name Gary? 12:17:38PM	2	Q What did you say other than for what 12:19:23PM
3	A The people that were struck. 12:17:40PM	3	happened? 12:19:25PM
4	Q And what else did he say during that 12:17:42PM	4	A I really didn't say anything else. I 12:19:27PM
5	call? 12:17:44PM	5	just had asked him what had happened. 12:19:29PM
6	A He just kept saying he didn't know 12:17:45PM	6	Q He said he didn't know? 12:19:32PM
7	what had happened. 12:17:46PM	7	A Right. 12:19:33PM
8	Q Did he give you any other details 12:17:49PM	8	Q Anything else discussed in that phone 12:19:33PM
9	about what had happened other than just telling 12:17:51PM	9	call? 12:19:35PM
10	you that he had struck some people with a pool 12:18:03PM	10	A Not that I recall, no. 12:19:35PM
11	cue? 12:18:06PM	11	Q Did you take any notes of that call? 12:19:37PM
12	A That's it. And he said the rest he 12:18:07PM	12	A No. 12:19:38PM
13	didn't know. 12:18:09PM	13	Q How long did that call last? 12:19:40PM
14	Q And what did you say during that 12:18:13PM	14	A Few minutes. 12:19:42PM
15	conversation? 12:18:14PM	15	Q So during those few minutes, you don't 12:19:46PM
16	A Okay. 12:18:16PM	16	recall anything other than for you saying what 12:19:48PM
17	Q How long did the conversation last? 12:18:17PM	17	happened and him saying I don't know what 12:19:50PM
18	A A few minutes. Not long. 12:18:19PM	18	happened? 12:19:52PM
19	Q Did you take any notes of that 12:18:22PM	19	MR. CONNOLLY: Objection to the form. 12:19:52PM
20	conversation? 12:18:23PM	20	A Pretty much. 12:19:54PM
21	A No. 12:18:23PM	21	Q Did you take any notes of that call? 12:19:57PM
22	Q Now, I believe you testified that you 12:18:27PM	22	MR. NOVIKOFF: Objection. Asked and 12:19:59PM
23	spoke with Frank Fiorillo as well prior to 12:18:29PM	23	answered. 12:20:00PM
24	coming in that Monday? 12:18:31PM	24	A No. 12:20:00PM
25	A Yes. 12:18:33PM	25	Q Did you speak with anybody else about 12:20:04PM

27 (Pages 406 to 409)

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		205
	Page 410	Page 412
1	GEORGE HESSE	1 GEORGE HESSE
2	the Halloween incident prior to coming in on 12:20:05PM	10.00
		•
3		already read the statements in the field report? 12:22:03PM
4	A No. 12:20:10PM	4 A Yes. 12:22:06PM
5	Q Did you have any other follow-up calls 12:20:11PM	5 Q And you were waiting for something to 12:22:07PM
6	with Paradiso prior to coming in Monday morning? 12:20:12PM	6 pop during that period? 12:22:09PM
7	A No. 12:20:15PM	7 A Yeah. 12:22:11PM
8	Q Did you speak with Pat Cherry prior to 12:20:16PM	8 Q Between 8 and 8:30, did you speak with 12:22:11PM
9	coming in Monday morning? 12:20:19PM	9 anybody prior to this call from Paradiso coming 12:22:14PM
10	A I don't believe so, no. 12:20:20PM	10 in about the Halloween incident? 12:22:18PM
11	Q Did you speak with Gary Bosetti prior 12:20:21PM	11 A No. 12:22:20PM
12	to coming in Monday morning? 12:20:23PM	Q What do you recall tell me the 12:22:24PM
13	A No. 12:20:25PM	details of your call with Paradiso that morning. 12:22:26PM
14	Q Did you speak with Rich Bosetti prior 12:20:26PM	14 A Well, he called me, and I basically 12:22:29PM
	to coming in Monday morning? 12:20:27PM	•
15	• •	15 said to him that there's not really much to go 12:22:33PM
16	A No. 12:20:29PM	16 on yet, you know. The field report really 12:22:36PM
17	Q Did you have any communications or 12:20:39PM	didn't contain many names other than the three 12:22:38PM
18	correspondence with anybody about the Halloween 12:20:41PM	18 individuals that were claiming they were hit 12:22:42PM
19	incident other than what you've testified to 12:20:43PM	19 with a pool stick. 12:22:45PM
20	prior to coming in that Monday morning? 12:20:45PM	20 Q Anything else that was discussed 12:22:48PM
21	A Not that I recall, no. 12:20:47PM	between you and Paradiso during that call? 12:22:50PM
22	Q And then you came to work that Monday? 12:20:53PM	22 A Not that I recall. 12:22:52PM
23	A Correct. 12:20:55PM	Q How long did that call last? 12:22:53PM
24	Q Okay. What was the first thing you 12:20:55PM	2 4 A A few minutes. 12:22:55PM
25	did with respect to the Halloween incident when 12:20:57PM	25 Q Do you recall anything he said during 12:22:58PM
	uld with respect to the Hanoween medern when 12.20.371 W	25 Q Do you recan anything he said during 12.22.361 W
	Page 411	Page 413
1		
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE you got to work that Monday? 12:20:59PM	1 GEORGE HESSE 2 that call? 12:22:59PM
2	GEORGE HESSE  you got to work that Monday?  A I read over the statements that were 12:21:01PM	GEORGE HESSE that call? 12:22:59PM A I don't recall exactly what he said, 12:23:00PM
2	GEORGE HESSE  you got to work that Monday?  A I read over the statements that were 12:21:01PM taken by Officer Fiorillo, Lamm and Snyder and 12:21:04PM	GEORGE HESSE that call? 12:22:59PM A I don't recall exactly what he said, 12:23:00PM no. 12:23:02PM
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2 3 4 5 6 7	GEORGE HESSE  you got to work that Monday?  A I read over the statements that were 12:21:01PM taken by Officer Fiorillo, Lamm and Snyder and 12:21:04PM the field report that was generated by Snyder. 12:21:07PM  Q Okay. Did you have a reaction to 12:21:15PM statements in the field report? 12:21:17PM  MR. NOVIKOFF: Objection. 12:21:20PM	GEORGE HESSE that call? 12:22:59PM A I don't recall exactly what he said, 12:23:00PM no. 12:23:02PM Q How about generally, sum and 12:23:02PM CONTROL OF THE SUBSTRICT OF THE SU
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28 (Pages 410 to 413)

	13	206	
	Page 414		Page 416
1	GEORGE HESSE	1	GEORGE HESSE
2	A I sat in the station, and I think I 12:24:02PM	2	Q Did you keep a copy of that responding 12:26:18PM
3	read the statements and everything again. And 12:24:04PM	3	fax that you sent? 12:26:21PM
4	shortly thereafter, I believe it was around 12:24:08PM	4	A No, I don't think I did. 12:26:23PM
	•	5	, , , , , , , , , , , , , , , , , , ,
5	9:30, I had received a fax from a gentlemen 12:24:11PM	l .	Q What did you do with it? 12:26:24PM
6	named Bud Yager. 12:24:16PM	6	A I don't remember. 12:26:26PM
7	Q Had you known Bud Yager prior to 12:24:24PM	7	Q What was the next thing that you did 12:26:32PM
8	receiving that fax? 12:24:28PM	8	with respect to Halloween after sending the fax 12:26:34PM
9	A Yeah. Yes. 12:24:29PM	9	back to Bud Yager? 12:26:36PM
10	Q Who was he? 12:24:29PM	10	A I believe I got a call back within 5 12:26:39PM
11	A He was a local resident that he 12:24:30PM	11	or 10 minutes from Bud Yager, and we just talked 12:26:43PM
12	worked in the I think he and his wife ran the 12:24:33PM	12	about what he had sent me. 12:26:50PM
13	movie theater. He was a projectionist for the 12:24:37PM	13	Q Okay. What did Bud Yager tell you in 12:26:51PM
14	movie theater. 12:24:41PM	14	that call? 12:26:53PM
15	Q Had you spoken to Bud Yager about 12:24:43PM	15	A Basically, he reiterated what was in 12:26:54PM
16	Halloween prior to receiving the fax? 12:24:46PM	16	his letter to the police department; and I asked 12:26:57PM
17	A No. 12:24:48PM	17	if I could speak to his wife, if she would call 12:27:01PM
18	Q Had you known that Bud Yager was even 12:24:48PM	18	me. 12:27:04PM
19	in the bar prior to receiving that fax? 12:24:50PM	19	Q Did you take any notes of that call 12:27:09PM
20	A No. 12:24:53PM	20	with Bud Yager? 12:27:11PM
21	Q And the fax came to the police 12:24:59PM	21	A No. 12:27:12PM
22	station? 12:25:00PM	22	Q Why not? 12:27:12PM
23	A Yes. 12:25:01PM	23	A I didn't. 12:27:14PM
24	Q And what was the sum and substance of 12:25:01PM	24	Q How come? 12:27:15PM
25	that fax? 12:25:03PM	25	MR. CONNOLLY: Objection. 12:27:21PM
	Page 415		
	1 490 110		Page 417
1	GEORGE HESSE	1	GEORGE HESSE
1 2	GEORGE HESSE  A I guess he had heard that Gary Bosetti 12:25:03PM	1 2	GEORGE HESSE You can answer. 12:27:22PM
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2	GEORGE HESSE  A I guess he had heard that Gary Bosetti 12:25:03PM	2	GEORGE HESSE You can answer. 12:27:22PM
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29 (Pages 414 to 417)

Page 418 Page 420 1 GEORGE HESSE 1 GEORGE HESSE 2 whether that person was drinking or not. 2 12:28:34PM Q Do you know whether Jeanne Yager was 12:30:11PM 3 3 MR. NOVIKOFF: Objection to form. 12:28:37PM drinking that night? 12:30:14PM 4 4 MR. CONNOLLY: I'm assuming drinking 12:28:38PM A I don't know. 12:30:15PM 5 alcoholic beverages. 12:28:40PM 5 Did he tell you he witnessed any part 12:30:15PM 6 MR. GOODSTADT: Yeah. 12:28:42PM 6 of the altercation or the Halloween incident? 12:30:18PM 7 7 MR. CONNOLLY: To the point of 12:28:43PM 12:30:22PM I don't recall. 8 12:28:44PM 8 Did you ask him whether he witnessed 12:30:25PM intoxication. Q 9 9 MR. GOODSTADT: Just drinking at all. 12:28:44PM any of it? 12:30:27PM 10 10 It may have been important. 12:28:45PM Α I believe I did. 12:30:28PM 11 11 Why didn't you ask him? 12:28:47PM Q And you don't recall what his answer 12:30:29PM was? 12 A I don't know why I didn't ask him. 12:28:49PM 12 12:30:31PM 13 Q In fact, if he had been drinking to 12:28:51PM 13 12:30:31PM Α No, I don't. the point of intoxication, it could've affected 12:28:52PM 14 14 Q How many investigations had you 12:30:32PM performed prior to investigating the Halloween 12:30:34PM 15 his ability to recollect facts, correct? 12:28:55PM 15 16 MR. NOVIKOFF: Objection. 12:28:58PM 16 incident? 12:30:37PM 17 It may have. 12:28:59PM 17 Α I don't know. 12:30:38PM Α 18 18 Did Bud Yager mention anything about 12:29:01PM Q Had you performed any investigations 12:30:40PM 19 Gary Bosetti using a pool cue? 12:29:05PM 19 prior to the Halloween incident? 12:30:42PM 20 No. I don't recall. 12:29:09PM 20 Α Sure, I had. 12:30:43PM 21 21 Did Bud Yager indicate that he 12:29:12PM Did you ever investigate any incident 12:30:44PM 22 22 dealing with an off-duty police officer? actually saw the altercation? 12:29:14PM 12:30:47PM 23 A I believe he said that he did not see 12:29:16PM 23 I don't think so, no. 12:30:51PM 24 Q Had you ever investigated a fight? 12:30:52PM 24 the actual altercation in the beginning or the 12:29:18PM 25 12:29:22PM 25 beginning part of the altercation. Α Yes. 12:30:57PM Page 419 Page 421 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 Q When you say the beginning part, what 12:29:24PM Q How many times? 12:30:58PM 3 3 part are you referring to? 12:29:26PM Α Hundreds. 12:30:59PM 4 A The part where his wife was choked. 12:29:27PM 4 0 **Hundreds of times?** 12:31:00PM 5 5 Q Did you ask him where he got the 12:29:35PM Α Hundreds of fights. 12:31:02PM 6 information from that his wife was being choked? 12:29:37PM 6 Did you ever investigate any fights 12:31:04PM 7 MR. NOVIKOFF: Objection to form. 12:29:40PM 7 not at the scene but afterwards? 12:31:07PM 8 You mean to the extent it wasn't 12:29:41PM 8 MR. NOVIKOFF: Objection to form. I 12:31:10PM 9 9 contained in the statement? 12:29:42PM have no idea what that question means. 12:31:11PM 10 MR. GOODSTADT: He didn't personally 12:29:44PM 10 BY MR. GOODSTADT: 12:31:13PM 11 12:29:46PM see it, so I want to know --11 Well, your investigation didn't happen 12:31:14PM 12 MR. NOVIKOFF: Well, I'm saying to the 12:29:46PM 12 at the scene, right? 12:31:16PM 13 extent that that answer was not contained 12:29:47PM 13 Yes. 12:31:18PM Α 14 within the statement. 12:29:49PM 14 Q It happened afterwards? 12:31:18PM 15 MR. GOODSTADT: Whether it is or 12:29:50PM 15 Α Right. 12:31:18PM 16 isn't, did you ask him the question. 12:29:51PM 16 Q Do you understand the question I was 12:31:20PM 17 MR. NOVIKOFF: Fair enough. 12:29:54PM 17 asking? 12:31:21PM 18 A He said his wife had told him what had 12:29:55PM 18 I understand. 12:31:21PM 19 happened. 12:29:57PM 19 MR. NOVIKOFF: Well, I think that an 12:31:22PM 20 20 Q Did you ask whether his wife was 12:30:01PM investigation can only take place after the 12:31:23PM 21 21 drinking? 12:30:03PM event occurred. 12:31:26PM 22 No, I don't think so. 12:30:05PM 22 MR. GOODSTADT: Or at the scene. 12:31:28PM 23 23 Sitting here today, do you know 12:30:07PM MR. NOVIKOFF: After the event 12:31:30PM

30 (Pages 418 to 421)

12:31:31PM

12:30:08PM

12:30:11PM

24

25

occurred.

MR. GOODSTADT: Right.

24

25

whether Bud Yager was drinking that night?

I don't know.

12:31:31PM

	13	208	
	Page 422		Page 424
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. NOVIKOFF: Right. Okay. 12:31:31PM	2 da	ay I can remember her name. Mallory Sullivan. 12:33:15PM
3	A Repeat your question. 12:31:31PM		Q She was an investigator or is she an 12:33:29PM
4	Q How many of those investigations 12:31:34PM	4 <b>as</b>	ssistant District Attorney? 12:33:30PM
5	happened not at the scene but afterwards? 12:31:36PM	5	A She's an ADA. ADA. 12:33:32PM
6	MR. NOVIKOFF: Objection. 12:31:40PM	6	You know what, I'm sorry. It may have 12:33:37PM
7	A I'd say a majority. 12:31:40PM	7 be	een Beth Grasso. Because they kind of work 12:33:39PM
8	Q A majority? 12:31:42PM		ack to back, but I think it was Beth Grasso. 12:33:45PM
9	A Yeah. 12:31:43PM		Q Were there any District Attorney 12:33:48PM
10	Q Does Ocean Beach have an internal 12:31:43PM		evestigators involved in the Halloween 12:33:51PM
11	affairs? 12:31:45PM		acident? 12:33:53PM
12	A No. 12:31:48PM	12	MR. NOVIKOFF: Objection. 12:33:54PM
13	Q Does 12:31:49PM		A Not that I'm aware of. 12:33:55PM
14	MR. CONNOLLY: Department, I assume. 12:31:50PM	14	MR. CONNOLLY: Andrew, after you 12:34:11PM
15	MR. GOODSTADT: Department, yeah. 12:31:51PM		complete this line of questioning, it's 12:34:12PM
16	Bureau or whatever it is. 12:31:52PM		12:30. 12:34:14PM
17	BY MR. GOODSTADT: 12:31:53PM	17	MR. NOVIKOFF: I don't think he's 12:34:17PM
18	Q Is there any does Suffolk County 12:31:54PM		completing this line of questioning for a 12:34:18PM
19	internal affairs oversee Ocean Beach? 12:31:59PM		couple of hours. 12:34:20PM
20	A No. Not that I'm aware of, no. 12:32:06PM	20	MR. GOODSTADT: Yeah. Let me just 12:34:21PM
21	Q Do you know whether there's ever been 12:32:09PM		finish on Mr. Yager, and then we'll take our 12:34:23PM
22	an internal affairs investigation with respect 12:32:10PM		break, call the court and do what we have to 12:34:26PM
23	to any current or former officer in Ocean Beach? 12:32:12PM	23	do. 12:34:30PM
24	A With the internal affairs unit of 12:32:17PM		Y MR. GOODSTADT: 12:34:38PM
25	Suffolk County PD? No. 12:32:20PM		Q What was the next thing that happened 12:34:38PM
20	Surroik County 1 D. 110. 12.32.201 W	20	What was the next thing that happened 12:54:501 W
	Page 423		Page 425
1	Page 423 GEORGE HESSE	1	Page 425 GEORGE HESSE
1 2			
	GEORGE HESSE	2 <b>w</b> i	GEORGE HESSE
2	GEORGE HESSE  Q Or any internal affairs unit. 12:32:21PM  A Not that I'm aware of. 12:32:24PM	2 <b>wi</b> 3 <b>to</b>	GEORGE HESSE ith respect to the Halloween incident after you 12:34:39PM
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31 (Pages 422 to 425)

		209	
	Page 426		Page 428
1	GEORGE HESSE	1	GEORGE HESSE
2	him? 12:36:15PM	2	and immediately took action." 12:38:12PM
3	A Yes. 12:36:15PM	3	Do you see that? 12:38:13PM
4	Q Or before faxing it over before 12:36:16PM	4	A Uh-huh. Yes. 12:38:14PM
5	faxing a request for him to call you? 12:36:17PM	5	Q Did he tell you that he actually 12:38:14PM
6	A Yes. 12:36:20PM	6	saw did Bud Yager tell you he actually saw 12:38:14PM
7	Q And the if you look at the whole 12:36:21PM	7	Gary Bosetti take action? 12:38:17PM
8	just the first paragraph up until the last four 12:36:25PM	8	A No. 12:38:18PM
9	lines, do you see that? Did you read that? 12:36:31PM	9	Q Did he tell you he didn't see Gary 12:38:18PM
10	A Which part? 12:36:35PM	10	Bosetti take action? 12:38:21PM
11	Q The part that starts you know, on 12:36:36PM	11	A I believe he said he didn't see the 12:38:22PM
12	the first line that says "on Saturday night," 12:36:38PM	12	incident. 12:38:24PM
13	all the way through to four lines up from the 12:36:40PM	13	Q And the next sentence says, "He 12:38:25PM
14	end of that first paragraph. 12:36:43PM	14	subdued this drunken individual." 12:38:27PM
15	MR. CONNOLLY: You mean second 12:36:46PM	15	Do you see that? 12:38:29PM
16	sentence? 12:36:47PM	16	A Yes. 12:38:29PM
17	MR. GOODSTADT: All of the sentences, 12:36:48PM	17	Q Did he tell you that he saw Gary 12:38:29PM
18	starting on the second sentences. 12:36:50PM	18	Bosetti subdue the drunken individual? 12:38:30PM
19	A That entire paragraph you're talking 12:36:54PM	19	A I believe he didn't. 12:38:33PM
20	about? 12:36:55PM	20	Q He told you that he did not see him? 12:38:33PM
21	Q Yeah, yeah. Up until the sentence 12:36:56PM	21	A He did not. 12:38:36PM
22	that ends with the parenthetical that says "to 12:36:56PM	22	Q So is there any any facts that he's 12:38:37PM
23	go to the ladies' room." 12:36:59PM	23	stating about what happened the night before did 12:38:43PM
24	A "Then she knocked on the door." Okay. 12:37:04PM	24	he actually see? 12:38:48PM
25	Q Okay. You read that whole paragraph 12:37:07PM	25	A I believe no. 12:38:50PM
	Daga 427		Page 420
	Page 427		Page 429
1	GEORGE HESSE	1	GEORGE HESSE
2	up until that line? 12:37:11PM	2	MR. CONNOLLY: Based upon what he told 12:38:51PM
3	A You're talking about from "on 12:37:13PM	3	you? 12:38:53PM
4	Saturday" to "she knocked on the door"? Or you 12:37:14PM	4	THE WITNESS: Correct. 12:38:53PM
5	want me to read the entire paragraph? 12:37:18PM	5	BY MR. GOODSTADT: 12:38:55PM
6	Q Yeah, keep going. 12:37:20PM	6	Q Did you ask him whether he saw Gary 12:38:55PM
7	A Okay. 12:37:37PM	7	Bosetti use a pool cue at any point? 12:38:59PM
8	Q Now, up until that sentence that ends 12:37:38PM	8	A I don't recall if I did or not. 12:39:01PM
9	"to go to the ladies' room" do you see that? 12:37:40PM	9	Q Did he mention anything about a pool 12:39:03PM
10	Bud Yager told you he did not witness any of 12:37:44PM	10	cue in your discussions? 12:39:04PM
11	that, correct? 12:37:46PM	11	A I don't recall if he did or not. 12:39:06PM
12	MR. NOVIKOFF: Objection. 12:37:48PM	12	Q Did you ask Bud Yager why he hadn't 12:39:12PM
13	A Yeah, I believe that's what he said to 12:37:50PM	13	spoken to any of the police officers who showed 12:39:17PM
14	me. 12:37:51PM	14	up that night? 12:39:19PM
15	Q And then the next sentence that says, 12:37:52PM	15	MR. NOVIKOFF: Objection to form. 12:39:20PM
16	"With that, this man lunged at my wife with his 12:37:53PM	16	BY MR. GOODSTADT: 12:39:21PM
17	hands on my wife's throat. Jeanne was knocked 12:37:55PM	17	Q The on-duty police officers? 12:39:21PM
10	into the ment and an are described.	18	MR. NOVIKOFF: Objection to form. 12:39:24PM
18	into the men's room door." 12:37:57PM	1 1 ^	
19	Do you see that? 12:37:59PM	19	A I don't recall if I asked him that or 12:39:25PM
19 20	<b>Do you see that?</b> A Yes.  12:37:59PM 12:37:59PM	20	not. 12:39:27PM
19 20 21	Do you see that? 12:37:59PM  A Yes. 12:37:59PM  Q Again, he did not he told you he 12:38:00PM	20	not. 12:39:27PM Q Did you ask him why he didn't give a 12:39:27PM
19 20 21 22	Do you see that? 12:37:59PM  A Yes. 12:37:59PM  Q Again, he did not he told you he 12:38:00PM did not witness that, correct? 12:38:02PM	20 21 22	not. 12:39:27PM  Q Did you ask him why he didn't give a 12:39:27PM statement that night to the police? 12:39:29PM
19 20 21 22 23	Do you see that?       12:37:59PM         A Yes.       12:37:59PM         Q Again, he did not he told you he did not witness that, correct?       12:38:00PM         A Right.       12:38:03PM	20 21 22 23	not. 12:39:27PM  Q Did you ask him why he didn't give a 12:39:27PM  statement that night to the police? 12:39:29PM  MR. NOVIKOFF: Objection to form. 12:39:32PM
19 20 21 22 23 24	Do you see that?12:37:59PMAYes.12:37:59PMQAgain, he did not he told you he did not witness that, correct?12:38:00PMARight.12:38:03PMQThen next sentence says, "Ocean Beach 12:38:04PM	20 21 22 23 24	not. 12:39:27PM  Q Did you ask him why he didn't give a 12:39:27PM  statement that night to the police? 12:39:29PM  MR. NOVIKOFF: Objection to form. 12:39:32PM  A I don't recall if I did or not. 12:39:33PM
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32 (Pages 426 to 429)

	13	210
	Page 430	Page 432
1	GEORGE HESSE	1 GEORGE HESSE
2	statement that night to the police? 12:39:37PM	2 But you can answer. 12:40:58PM
3	A I'm assuming no, because there's 12:39:39PM	3 A It was several minutes. I don't 12:41:00PM
4	though statement. 12:39:41PM	4 really recall how long it was. 12:41:01PM
5	Q Now, I see that this memo is addressed 12:39:45PM	5 Q Did you ask him what he did after 12:41:15PM
6	to Chief Paradiso. 12:39:47PM	6 leaving Houser's that night? 12:41:13PM
7		
	<b>,</b>	·
8	A Yes. 12:39:49PM	
9	Q Did you inform Chief Paradiso that 12:39:50PM	9 Q Did he tell you what he did after he 12:41:22PM
10	this memo came in? 12:39:51PM	10 left Houser's? 12:41:25PM
11	A Yes. 12:39:53PM	11 A I don't recall. 12:41:26PM
12	Q When? 12:39:54PM	12 Q Did you credit his statement as part 12:41:32PM
13	A I don't recall when. 12:39:54PM	13 of your investigation? 12:41:34PM
14	Q Was it on that day? 12:39:55PM	14 A Did I credit? 12:41:36PM
15	A Yes. 12:39:56PM	15 Q Yeah. Did you believe the statement? 12:41:38PM
16	Q Was it before you faxed back to Bud 12:39:56PM	16 A I believed it, yes. 12:41:41PM
17	Yager, please call me? 12:40:00PM	Q Did you give it any weight in terms of 12:41:43PM
18	A I think it was after. 12:40:02PM	18 reaching a conclusion to your investigation? 12:41:45PM
19	Q Do you recall Paradiso's response when 12:40:04PM	19 MR. NOVIKOFF: Objection to form. 12:41:48PM
20	you told him this fax came in? 12:40:06PM	20 A It gave me a way to go. 12:41:49PM
21	A I don't remember his response. 12:40:08PM	Q What do you mean by that? 12:41:51PM
22	Q Did you tell Paradiso about it before 12:40:10PM	A It gave me a lead on what may have 12:41:52PM
23	or after you actually spoke with Bud Yager? 12:40:12PM	23 transpired that night to precipitate what 12:41:55PM
24	A It may have been after I spoke to Bud. 12:40:16PM	24 everybody was claiming about Gary Bosetti. 12:42:00PM
25	Q Did you ask him how he heard that Rich 12:40:21PM	25 Q And other than for that one phone 12:42:05PM
	2 . 3	C
	Page 431	Page 433
1	GEORGE HESSE	Page 433 1 <b>GEORGE HESSE</b>
1 2	-	
	GEORGE HESSE  Bosetti lost his job strike that. 12:40:23PM  Did you ask him how he learned that 12:40:26PM	1 GEORGE HESSE
2	GEORGE HESSE Bosetti lost his job strike that. 12:40:23PM	1 GEORGE HESSE 2 call, did you ever speak with Bud Yager on any 12:42:06PM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Bosetti lost his job strike that.  Did you ask him how he learned that 12:40:26PM  Gary Bosetti lost his job?  MR. NOVIKOFF: You're talking about 12:40:32PM  Bud Yager now?  MR. GOODSTADT: Bud Yeager.  MR. NOVIKOFF: Okay.  A Now, I don't recall if I did.  Did you tell you how he learned that? 12:40:35PM  A I don't recall.  Do you know whether anyone asked him 12:40:41PM  to send in a statement?  A No.  12:40:46PM  Q Did you take any notes of your phone 12:40:47PM  call with Yager?  MR. CONNOLLY: Objection. Asked and 12:40:50PM  answered.  12:40:53PM  A No.  12:40:53PM  MR. NOVIKOFF: Objection. Asked and 12:40:50PM  answered.  12:40:53PM  A No.  12:40:53PM  A No.  12:40:54PM  How long did that call last?  12:40:56PM	call, did you ever speak with Bud Yager on any 12:42:06PM other occasion about Halloween? 12:42:09PM  MR. NOVIKOFF: About the Halloween 12:42:11PM incident. 12:42:12PM  MR. GOODSTADT: Yeah. 12:42:13PM MR. NOVIKOFF: Okay. 12:42:16PM  A You know, I don't believe I spoke to 12:42:17PM him again after that day. 12:42:18PM  Q About anything? 12:42:23PM  A Yeah, I don't believe so. 12:42:25PM  Q As the investigator strike that. 12:42:27PM  Were you the only investigator at this 12:42:30PM time on the case? 12:42:31PM  A At this point, yes. 12:42:32PM  A At this point, yes. 12:42:32PM  Q Okay. As the sole investigator, how 12:42:33PM come you didn't take any notes with respect to 12:42:36PM your interaction with Mr. Yager? 12:42:38PM  MR. NOVIKOFF: Objection to form. I 12:42:41PM think it's asked and answered, but form as 12:42:42PM well. 12:42:44PM  A Yeah, like I said, I didn't think it 12:42:45PM was necessary because all I would've been doing 12:42:46PM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	GEORGE HESSE  Bosetti lost his job strike that.  Did you ask him how he learned that 12:40:26PM  Gary Bosetti lost his job? 12:40:29PM  MR. NOVIKOFF: You're talking about 12:40:32PM  Bud Yager now? 12:40:33PM  MR. GOODSTADT: Bud Yeager. 12:40:34PM  MR. NOVIKOFF: Okay. 12:40:35PM  A Now, I don't recall if I did. 12:40:35PM  Q Did you tell you how he learned that? 12:40:36PM  A I don't recall. 12:40:40PM  Q Do you know whether anyone asked him 12:40:41PM  to send in a statement? 12:40:43PM  A No. 12:40:46PM  Q Did you take any notes of your phone 12:40:47PM  call with Yager? 12:40:49PM  MR. CONNOLLY: Objection. Asked and 12:40:50PM  answered. 12:40:53PM  A No. 12:40:53PM  A No. 12:40:53PM  How long did that call last? 12:40:56PM  MR. CONNOLLY: Objection. Asked and 12:40:57PM  MR. CONNOLLY: Objection. Asked and 12:40:57PM	call, did you ever speak with Bud Yager on any 12:42:06PM other occasion about Halloween? 12:42:09PM  MR. NOVIKOFF: About the Halloween 12:42:11PM incident. 12:42:12PM  MR. GOODSTADT: Yeah. 12:42:13PM  MR. NOVIKOFF: Okay. 12:42:16PM  A You know, I don't believe I spoke to 12:42:17PM him again after that day. 12:42:18PM  Q About anything? 12:42:23PM  A Yeah, I don't believe so. 12:42:25PM  Q As the investigator strike that. 12:42:27PM Were you the only investigator at this 12:42:30PM time on the case? 12:42:31PM  A At this point, yes. 12:42:32PM  A At this point, yes. 12:42:33PM  Q Okay. As the sole investigator, how 12:42:33PM  come you didn't take any notes with respect to 12:42:36PM your interaction with Mr. Yager? 12:42:38PM  MR. NOVIKOFF: Objection to form. I 12:42:41PM think it's asked and answered, but form as 12:42:42PM well. 12:42:44PM  A Yeah, like I said, I didn't think it 12:42:45PM was necessary because all I would've been doing 12:42:46PM was rewriting basically what he had already sent 12:42:49PM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  Bosetti lost his job strike that.  Did you ask him how he learned that 12:40:26PM  Gary Bosetti lost his job?  MR. NOVIKOFF: You're talking about 12:40:32PM  Bud Yager now?  MR. GOODSTADT: Bud Yeager.  MR. NOVIKOFF: Okay.  A Now, I don't recall if I did.  Did you tell you how he learned that? 12:40:35PM  A I don't recall.  Do you know whether anyone asked him 12:40:41PM  to send in a statement?  A No.  12:40:46PM  Q Did you take any notes of your phone 12:40:47PM  call with Yager?  MR. CONNOLLY: Objection. Asked and 12:40:50PM  answered.  12:40:53PM  A No.  12:40:53PM  MR. NOVIKOFF: Objection. Asked and 12:40:50PM  answered.  12:40:53PM  A No.  12:40:53PM  A No.  12:40:54PM  How long did that call last?  12:40:56PM	call, did you ever speak with Bud Yager on any 12:42:06PM other occasion about Halloween? 12:42:09PM  MR. NOVIKOFF: About the Halloween 12:42:11PM incident. 12:42:12PM  MR. GOODSTADT: Yeah. 12:42:13PM MR. NOVIKOFF: Okay. 12:42:16PM  A You know, I don't believe I spoke to 12:42:17PM him again after that day. 12:42:18PM  Q About anything? 12:42:23PM  A Yeah, I don't believe so. 12:42:25PM  Q As the investigator strike that. 12:42:27PM  Were you the only investigator at this 12:42:30PM time on the case? 12:42:31PM  A At this point, yes. 12:42:32PM  A At this point, yes. 12:42:32PM  Q Okay. As the sole investigator, how 12:42:33PM come you didn't take any notes with respect to 12:42:36PM your interaction with Mr. Yager? 12:42:38PM  MR. NOVIKOFF: Objection to form. I 12:42:41PM think it's asked and answered, but form as 12:42:42PM well. 12:42:44PM  A Yeah, like I said, I didn't think it 12:42:45PM was necessary because all I would've been doing 12:42:46PM

33 (Pages 430 to 433)

Page 434 Page 436 1 GEORGE HESSE 1 GEORGE HESSE 2 MR. GOODSTADT: This would be a good 12:42:53PM 2 Was that on the phone or in person? 1:47:09PM 3 3 time to take that break. 12:42:54PM I believe it was in person. 1:47:11PM 4 4 MR. CONNOLLY: Sure. 12:42:55PM Where were you located? 1:47:13PM 5 MR. NOVIKOFF: Okay. 12:42:56PM 5 Α In the police station. 1:47:15PM 6 THE VIDEOGRAPHER: The time is 12:44. 12:42:57PM 6 Was he there specifically to speak 1:47:19PM 7 7 We're off the record. 12:42:59PM about the Halloween incident or was he there on 1:47:21PM 8 8 (Whereupon, a lunch break was taken.) 12:43:00PM some other business? 1:47:24PM 9 THE VIDEOGRAPHER: The time is 1:47. 1:45:52PM 9 MR. NOVIKOFF: Objection. 1:47:26PM 10 10 We're on the record. 1:45:52PM I don't recall. 1:47:27PM 11 BY MR. GOODSTADT: 11 1:45:55PM Tell me everything you recall 1:47:29PM discussing with Joe Loeffler during that 12 Q Mr. Hesse, before our break, you had 1:45:56PM 12 1:47:30PM 13 13 mentioned that on the Sunday before going back 1:45:59PM conversation. 1:47:33PM 14 to the beach on Monday after Halloween, that you 1:46:02PM 14 A I think I just pretty much told him 1:47:33PM 15 15 reached out to Fiorillo, you spoke with him, and 1:46:07PM the story of what was going on with the incident 1:47:36PM 16 you reached out to Lamm and spoke with him, 1:46:09PM 16 and basically what I had found out, and that was 1:47:40PM 17 correct? 1:46:13PM 17 pretty much it. He just said good job, pretty 1:47:46PM 18 A Correct. 1:46:13PM 18 much, and walked out. 1:47:49PM 19 19 Q Okay. Did you reach out to Snyder? 1:46:13PM Q Did he tell you that he was at the 1:47:50PM A I believe I tried. I was unable to 1:46:15PM 20 20 police station that night? 1:47:52PM 21 get into contact with him. 1:46:20PM 21 You know, I don't recall if he did. 1:47:54PM 22 22 Did you ever discuss with him the fact 1:47:56PM Q So did you speak with him at all 1:46:21PM 23 23 before coming back to the beach that Monday? that he was at the police station that night? 24 24 Α 25 25 You don't recall one way or the other? 1:46:26PM Q When did you discuss that with him? 1:48:01PM Page 437 Page 435 1 GEORGE HESSE 1 GEORGE HESSE 2 2 A No. 1:46:28PM A Probably -- it was within the last two 1:48:08PM 3 Q Okay. And I just point you back to 1:46:29PM 3 years at some point. I don't know specifically 1:48:09PM 4 Hesse 14. Do you see that there's an indicated 1:46:32PM 4 1:48:11PM 5 5 copy to Natalie Rogers? 1:46:36PM Q After you were served with the 1:48:12PM 6 Do you see that? 1:46:37PM 6 complaint in this lawsuit or before? 1:48:14PM 7 Yes, I do. 1:46:38PM 7 A I think so, yes. 1:48:16PM 8 Q Do you know whether she ever received 1:46:39PM 8 What did he say about that? 1:48:17PM 9 9 a copy of this memo? 1:46:41PM He said that he was in the police 1:48:19PM 10 A I do not. 1:46:43PM 10 station. I guess he was running rescue that 1:48:20PM 11 night and he was the ambulance driver, and he 11 0 Did you ever speak to her about this 1:46:43PM 1:48:23PM 12 memo? 1:46:45PM 12 was inside the police station at some point. 1:48:25PM 13 A I don't think, no. 1:46:46PM 13 Q Did he tell you anything he witnessed 1:48:28PM 14 Q Did you ever speak with Natalie Rogers 1:46:47PM 14 inside the police station or anything that was 1:48:29PM 15 at all about the Halloween incident? 1:46:49PM 15 said? 1:48:31PM 16 16 I don't recall. 1:46:52PM Not that I recall, no. 1:48:32PM 17 17 So you don't recall one way or the 0 1:46:53PM What did he say to you about his 1:48:33PM 18 other? 1:46:54PM 18 experience being at the police station that 1:48:35PM 19 1:46:55PM 19 20 20 Did you ever speak with Joe Loeffler 1:46:55PM A He basically just said he walked in 1:48:37PM about the Halloween incident? 21 21 and dropped off some bags, and he went back out 1:48:39PM 1:46:57PM 22 Yes. 1:46:59PM 22 into the rig to watch the rig, just to watch the 1:48:42PM 23 23 When did you speak with him about ambulance. He's the driver, so ... 1:48:47PM 0 24 24 Halloween? 1:47:02PM Q Did he discuss with you at all the 1:48:49PM 25 Α I think it was a week after. 1:47:05PM 25 injuries that were sustained by anybody who was 1:48:51PM

34 (Pages 434 to 437)

	13	212	
	Page 438		Page 440
1	GEORGE HESSE	1	GEORGE HESSE
2	in the altercation? 1:48:53PM	2	her to put that down in writing and fax it to me 1:50:54PM
3	MR. NOVIKOFF: Objection. Form. 1:48:55PM	3	if she could. 1:50:56PM
4	A Not that I recall. 1:48:56PM	4	Q Did you take any notes of what she 1:51:01PM
5	Q During the break that we just took, 1:49:04PM	5	explained to you occurred? 1:51:04PM
6	did you speak with Ken Novikoff at all? 1:49:06PM	6	A No. 1:51:05PM
7	A I think so, yeah. 1:49:10PM	7	Q How long was the call? 1:51:05PM
8	Q What was discussed between you and 1:49:11PM	8	A It was over the course of several 1:51:07PM
9	Mr. Novikoff? 1:49:13PM	9	minutes. 1:51:09PM
10	A I don't recall, to tell you the truth. 1:49:15PM	10	Q Just so I'm clear, you're the sole 1:51:11PM
11	Small talk. 1:49:17PM	11	investigator on the case, you have a phone 1:51:14PM
12	Q You don't recall anything that was 1:49:18PM	12	conversation with an alleged victim of a 1:51:17PM
13	discussed in small talk? 1:49:20PM	13	choking, and you didn't take any notes; is that 1:51:20PM
14	A No. 1:49:21PM	14	correct? 1:51:22PM
15	Q So you don't recall a conversation 1:49:22PM	15	A That's correct. 1:51:23PM
16	that happened between 10 and 40 minutes ago? 1:49:23PM	16	MR. CONNOLLY: Objection. 1:51:24PM
17	A No. I think we were just talking 1:49:28PM	17	BY MR. GOODSTADT: 1:51:25PM
18	about allowing you more time and calling the 1:49:30PM	18	Q What did she tell you on that call? 1:51:25PM
19	judge. Most of the conversation was between 1:49:33PM	19	A She basically said that she was 1:51:29PM
20	counsel. 1:49:34PM	20	standing first in line for the women's bathroom. 1:51:30PM
21	Q Anything else you recall of a 1:49:37PM	21	That she was waiting for a long time, several 1:51:35PM
22	discussion between you and Mr. Novikoff? 1:49:39PM	22	minutes, maybe 15 minutes. She kept knocking on 1:51:37PM
23	A No. 1:49:43PM	23	the door with no response. A line had developed 1:51:41PM
24	Q So after you spoke with Bud Yager, you 1:49:47PM	24	behind her of other women waiting to go to the 1:51:44PM
25	testified that his wife called back an hour 1:49:52PM	25	bathroom. Eventually, the door flew open. A 1:51:47PM
	Page 439		Page 441
_			
1	GEORGE HESSE	1	GEORGE HESSE
2	later, approximately; is that correct? 1:49:55PM	2	young lady came out and said something about 1:51:52PM
3	A I think it was within an hour. 1:49:56PM	3	killing you, you old bitch or something like 1:51:54PM
4	Q Okay. Did you do anything with 1:49:58PM respect to the Halloween incident between the 1:49:59PM	4	that, to that effect, or you should die, 1:51:57PM
5	time you hung up with Bud Yager and the time 1:50:01PM	5 6	something like that. And then apparently a 1:52:01PM boyfriend, a friend of this young female, had 1:52:05PM
7	that Jeanne Yager called? 1:50:04PM	7	boyfriend, a friend of this young female, had 1:52:05PM come out of the bathroom and didn't say 1:52:08PM
8	A I believe I said I had walked down 1:50:05PM	8	anything, was holding onto the door, I believe, 1:52:12PM
9	to no, no, that was before Bud's fax. No. I 1:50:07PM	9	and then lunged at Jeanne, grabbed her by the 1:52:14PM
10	think I just I was waiting for her phone 1:50:10PM	10	throat and threw her into the wall or door of 1:52:18PM
11	call. 1:50:15PM	11	the men's room and was banging her off the wall. 1:52:21PM
12	Q Did you reach out to Snyder at all 1:50:19PM	12	Then she said that Gary Bosetti came 1:52:25PM
13	during that period? 1:50:21PM	13	over, grabbed the person off of her, put him 1:52:27PM
14	A No. 1:50:22PM	14	down on the floor and stopped him from choking 1:52:31PM
15	Q When was the first time that another 1:50:24PM	15	her. 1:52:34PM
16	officer came on duty that morning? 1:50:26PM	16	Q Did she actually see Gary Bosetti put 1:52:35PM
17	A I don't believe one did. 1:50:28PM	17	him down on the floor? 1:52:37PM
18	Q And then at some point Jeanne Yager 1:50:36PM	18	MR. NOVIKOFF: Objection. 1:52:39PM
19	called you? 1:50:39PM	19	A I don't know. I'd have to read her 1:52:40PM
20	A Yes. 1:50:39PM	20	statement again. 1:52:42PM
21	Q Tell me everything you recall during 1:50:40PM	21	Q Well, sitting here, do you recall one 1:52:42PM
22	that phone conversation. 1:50:41PM	22	way or the other whether she told you that? 1:52:44PM
23	A I basically just told her to tell me 1:50:43PM	23	A No, I don't recall. 1:52:46PM
24	what her story was, what happened. She 1:50:46PM	24	Q Did you ask her whether she was 1:52:47PM
25	explained to me what had occurred, and I asked 1:50:50PM	25	drinking that night? 1:52:49PM

35 (Pages 438 to 441)

Company   Comp		13	213	
2		Page 442		Page 444
2	1	GEORGE HESSE	1	GEORGE HESSE
3			l .	
A   I didn't think it was relevant that   1:52:55PM   5   Q   Do you recall anything else that was   1:54:04PM			l .	, ,
5   Q   You don't think it was relevant that   1:52:57PM   5   5   Somebody is giving you an eyewitness statement,   1:52:59PM   5   50   50   50   50   50   50   50		•		,
5   5   5   5   5   5   5   5   5   5			l .	
7			l .	· · · · · · · · · · · · · · · · · · ·
8			l .	-
9		-	l .	- ·
10			l .	
MR. CONNOLLY: Objection. Asked and 1:53:07PM   12   answered.			l .	· · · · · · · · · · · · · · · · · · ·
12			l .	-
13		· ·		15 1 2
14   Q   I just want to be - make sure I'm   1:53:10PM   15   1:54:29PM   15   154:48PM   15   154:48PM   15   154:48PM   16   MR. NOVIKOFF: Oh, I think he's been   1:53:12PM   17   crystal clear three times already.   1:53:14PM   18   MR. CONNOLLY: Objection.   1:53:14PM   18   MR. CONNOLLY: Objection.   1:53:14PM   18   arrived?   1:54:56PM   155:46PM   18   arrived?   1:54:56PM   155:46PM   18   arrived?   1:54:56PM   155:46PM   18   arrived?   1:54:56PM   18   arrived?   1:54:56PM   155:46PM   18   arrived?   1:54:56PM   18   arrived?   1:54:56PM   155:46PM   155:46PM   18   arrived?   1:54:56PM   18   arrived?   1:54:56PM   155:46PM   155:46P			l .	_
15	13		13	
MR. NOVIKOFF: Oh, I think he's been   1:53:12PM   17   crystal clear three times already.   1:53:12PM   18   MR. CONNOLLY: Objection.   1:53:14PM   18   MR. CONNOLLY: Objection.   1:53:14PM   19   BY MR. GOODSTADT:   1:53:14PM   19   MR. CONNOLLY: Objection.   1:53:14PM   19   MR. NOVIKOFF: Objection.   1:53:17PM   21   MR. NOVIKOFF: Objection.   1:53:17PM   22   MR. NOVIKOFF: Objection.   1:53:18PM   19   MR. NOVIKOFF: Objection.   1:53:18PM   10   MR. NOVIKOFF: Objection.   1:53:22PM   10   MR. NOVIKOFF: Objection.   1:53:32PM   10   MR. N	14		14	
17 crystal clear three times already. 1:53:12PM	15		15	BY MR. GOODSTADT: 1:54:48PM
18			16	· · · · · · · · · · · · · · · · · · ·
19   BY MR. GOODSTADT:	17	· · · · · · · · · · · · · · · · · · ·	17	was in the bar when the on-duty officers 1:54:54PM
20	18	MR. CONNOLLY: Objection. 1:53:14PM	18	arrived? 1:54:56PM
21	19	BY MR. GOODSTADT: 1:53:14PM	19	A I don't recall. I'd have to read her 1:55:00PM
22	20	Q You didn't think it was relevant; is 1:53:14PM	20	statement. 1:55:03PM
23 MR. CONNOLLY: Objection. 1:53:17PM 24 MR. NOVIKOFF: Objection. 1:53:17PM 25 Page 443  Page 443  1 GEORGE HESSE 2 PY MR. GOODSTADT: 1:53:17PM 25 PM	21	that correct? 1:53:16PM	21	Q Did you ask her whether she was at the 1:55:03PM
24   MR. NOVIKOFF: Objection.   1:53:17PM   24   Q   Do you recall what she said?   1:55:12PM   25   A   I believe I remember her saying   1:55:15PM   1:55:1	22	A I did not ask her. 1:53:16PM	22	bar when the on-duty officers arrived? 1:55:05PM
Page 443  GEORGE HESSE BY MR. GOODSTADT: 1:53:17PM Q You didn't think it was relevant? You 1:53:18PM can answer. 1:53:18PM MR. NOVIKOFF: Objection. 1:53:18PM You can answer. 1:53:18PM A I didn't think it was relevant, I 1:53:19PM guess. 1:53:20PM Q And similar to the question I asked 1:53:22PM Q And similar to the question I asked 1:53:24PM been that could have affected whether she 1:53:28PM was drinking alcohol or not may have affected 1:53:32PM MR. CONNOLLY: Objection to form. 1:53:34PM MR. CONNOLLY: Objection to form. 1:53:34PM You can answer. 1:53:34PM  A I didn't think it was relevant, I 1:53:29PM The police officers walked through the bar with one 1:55:20PM that's all I recall about that. 1:55:27PM That's all I recall about that. 1:55:23PM That's all I recall about that. 1:55:31PM That's all I recall about that. 1:55:32PM That's all I recall about that. 1:55:33PM That's all I recall about that. 1:55:35PM That's all I recall about that. 1:55:31PM That's all I recall about that. 1:55:33PM That's all I recall about that. 1:55:31PM That's all I recall abou	23	MR. CONNOLLY: Objection. 1:53:17PM	23	A You know, I believe I did. 1:55:10PM
Page 443  GEORGE HESSE  BY MR. GOODSTADT: 1:53:17PM  Q You didn't think it was relevant? You 1:53:18PM  and answer. 1:53:18PM  MR. NOVIKOFF: Objection. 1:53:18PM  MR. NOVIKOFF: Objection. 1:53:18PM  A I didn't think it was relevant, I 1:53:19PM  guess. 1:53:20PM  Q And similar to the question I asked 1:53:22PM  you about her husband, do you think it could've 1:53:24PM  been that could have affected whether she 1:53:23PM  MR. CONNOLLY: Objection to form. 1:53:34PM  MR. CONNOLLY: Objection to form. 1:53:34PM  MR. CONNOLLY: Objection to form. 1:53:34PM  You can answer. 1:53:34PM  A That's yeah, that's what I recall. 1:55:48PM  A That's yeah, that's what I recall. 1:55:48PM	24	MR. NOVIKOFF: Objection. 1:53:17PM	24	Q Do you recall what she said? 1:55:12PM
1 GEORGE HESSE 2 BY MR. GOODSTADT: 1:53:17PM 2 that she was standing by the bathrooms when the 1:55:17PM 3 Q You didn't think it was relevant? You 1:53:18PM 3 police officers walked through the bar with one 1:55:20PM of the individuals in the altercation, but 1:55:23PM 5 MR. NOVIKOFF: Objection. 1:53:18PM 5 that's all I recall about that. 1:55:27PM 6 You can answer. 1:53:18PM 6 Q Did you ask her why she didn't give a 1:55:31PM 8 guess. 1:53:20PM 7 statement to the police officers that night? 1:55:31PM 8 MR. NOVIKOFF: Objection. Form. 1:55:34PM 9 Q And similar to the question I asked 1:53:22PM 9 you about her husband, do you think it could've 1:53:24PM 10 attempted to walk to the police station; but 1:55:37PM 11 been that could have affected whether she 1:53:28PM 11 there was ambulance there, and she didn't want 1:55:39PM 12 to interfere. She felt that she didn't want 0 1:55:41PM 13 her ability to recall events? 1:53:32PM 14 Q She told you that? 1:55:47PM 15 A That's yeah, that's what I recall. 1:55:48PM	25		25	A I believe I remember her saying 1:55:15PM
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		•		
1.50.05DM				·
16 A It may have. 1:53:35PM 16 Q When did she tell you that? 1:55:51PM		•		·
Q Did she eventually fax something to 1:53:41PM 17 A I don't recall when, but I remember 1:55:52PM		-	l .	· · · · · · · · · · · · · · · · · · ·
18 you? 1:53:43PM 18 her saying something to that effect. 1:55:54PM		-	l .	
19 A Yes. 1:53:44PM 19 Q Was it during that phone conversation? 1:55:55PM				
Q How long after you spoke with her did 1:53:45PM 20 A No. No, it was after. 1:55:57PM			l .	
21 she fax something to you? 1:53:47PM 21 Q How many times after that first phone 1:55:59PM				
42 A 1 UOD UTCCAIL. 1:55:48PIVI 122 CONVERSATION DID VOIL SNEAK WITH JEANNE YAGER 1:56:01PM	22	A I don't recall. 1:53:48PM	22	conversation did you speak with Jeanne Yager 1:56:01PM
, <u>, , , , , , , , , , , , , , , , , , </u>				
Q Was it handwritten or typed, what she 1:53:49PM 23 about the Halloween incident? 1:56:03PM				
Q Was it handwritten or typed, what she 1:53:49PM 24 faxed to you? 1:53:52PM 23 about the Halloween incident? 1:56:03PM 24 A Over the course of four and a half 1:56:05PM	25	A Handwritten. 1:53:53PM	43	years, I don't know, 20 times. 1:56:08PM

36 (Pages 442 to 445)

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	13	4	
	Page 446		Page 448
1	GEORGE HESSE		GEORGE HESSE
2	Q And when was the first time she told 1:56:14PM		t no one was choked. 1:58:28PM
3	you that she didn't want to bother anybody? 1:56:16PM	Q Oka	
4	A It may have been at her house when 1:56:19PM	_	I was told that Snyder said it. 1:58:30PM
5	John Cherry and myself went there. 1:56:25PM		t just I guess I didn't get what 1:58:33PM
6	Q Did she tell you who she tried to go 1:56:36PM		Richard Bosetti went out and tried 1:58:35PM
7	to the police station with, if anyone? 1:56:38PM	•	ontact with the on-duty officers? How 1:58:40PM
8	A Yeah, I believe Rich Bosetti. 1:56:41PM	do you kno	-
9	Q She tried to go with Rich Bosetti? 1:56:43PM	•	rause that's what I was told. 1:58:44PM
10	A Yes. 1:56:45PM		who? 1:58:46PM
11	Q Did she tell you where she went when 1:56:46PM	- •	the three of them at some point and 1:58:47PM
12	she didn't want to bother anyone and stop into 1:56:49PM	by Rich Bo	-
13	the police station? 1:56:51PM	•	you know if Rich Bosetti was 1:58:51PM
14	A Well, I think her and her husband had 1:56:52PM	drinking th	-
15	walked down to CJ's. And Richie, I believe, 1:56:54PM	_	on't know for sure. 1:58:53PM
16	approached them and said, you know, you should 1:56:57PM		you ask him? 1:58:55PM
17	really go tell the officers what had happened. 1:57:00PM		on't recall. 1:58:56PM
18	And they attempted to do so, and then they saw 1:57:02PM		ay. And so Rich Bosetti tried to 1:58:56PM
19	the ambulance; and I think they just said, well, 1:57:06PM	-	act with them. Did he make contact, to 1:58:59PM
20	we'll do it later or something. I'm 1:57:08PM	your under	·
21	speculating, but 1:57:10PM	A Yes	8
22	MR. CONNOLLY: Don't speculate. 1:57:11PM		w did you know he made contact? 1:59:03PM
23	THE WITNESS: Sorry. 1:57:13PM		as told. 1:59:05PM
24	MR. CONNOLLY: Just testify upon your 1:57:13PM		who? 1:59:06PM
25	knowledge. 1:57:14PM		Officer Fiorillo and Gary Bos 1:59:07PM
23	1.57.141 W	д А Бу	Officer Fromto and Gary Bos 1.39.071 W
	Page 447		Page 449
1	Page 447 GEORGE HESSE		Page 449 GEORGE HESSE
1 2	-	Rich Boset	GEORGE HESSE
	GEORGE HESSE	Rich Boset	GEORGE HESSE
2	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM	Rich Boset Q Oka	GEORGE HESSE ti. 1:59:09PM
2	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM  Q Did she tell you how long after the 1:57:16PM	Rich Boset Q Oka	GEORGE HESSE ti. 1:59:09PM ay. And what was the conversation 1:59:10PM
2 3 4	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM  Q Did she tell you how long after the 1:57:16PM  alleged choke that she tried to go to the police 1:57:19PM	Rich Boset Q Ok that was h A I be	GEORGE HESSE ti. 1:59:09PM ay. And what was the conversation 1:59:10PM ad outside the bar? 1:59:12PM
2 3 4 5	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM  Q Did she tell you how long after the 1:57:16PM  alleged choke that she tried to go to the police 1:57:19PM station? 1:57:22PM	Rich Boset Q Ok that was h A I be handling it,	GEORGE HESSE ti. 1:59:09PM ay. And what was the conversation 1:59:10PM ad outside the bar? 1:59:12PM dieve Frank had said that we're 1:59:14PM
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2 3 4 5 6 7	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM  Q Did she tell you how long after the 1:57:16PM  alleged choke that she tried to go to the police 1:57:19PM  station? 1:57:22PM  A No, I don't recall. 1:57:22PM  Q Did you ask her whether she had any 1:57:23PM	Rich Boset Q Oke that was he A I be handling it, Richie had to him that	GEORGE HESSE ti. 1:59:09PM  ay. And what was the conversation 1:59:10PM ad outside the bar? 1:59:12PM dieve Frank had said that we're 1:59:14PM , we'll take care of it. And then 1:59:19PM spoke to Snyder and tried to explain 1:59:23PM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	GEORGE HESSE  A Yeah, they just turned around. 1:57:15PM  Q Did she tell you how long after the 1:57:16PM alleged choke that she tried to go to the police 1:57:19PM station? 1:57:22PM  A No, I don't recall. 1:57:22PM  Q Did you ask her whether she had any 1:57:23PM drinks in CJ's? 1:57:25PM  A No, I don't recall. 1:57:28PM  Q Did you ask her why she didn't try to 1:57:43PM give a statement to the officers when she was in 1:57:46PM the bar and the on-duty officers walked through 1:57:48PM the bar? 1:57:51PM  A Yeah. At some point, Rich Bosetti had 1:57:53PM gone outside to make contact with the three 1:57:55PM police officers that were on duty, Fiorillo, 1:57:58PM Lamm and Snyder, to address them and say that 1:58:01PM Jean Yager was choked inside the bar, that they 1:58:03PM may want to talk to them. And I believe the 1:58:07PM response was no one was choked. I could never 1:58:09PM ascertain who said it. Tom Snyder denied it, 1:58:15PM and Chris they said that Christopher 1:58:18PM Shallick, who was one of the individuals 1:58:23PM	Rich Boset  Q Oka  that was h  A I be handling it, Richie had to him that he specificaterm and one was ch Snyder that Snyder that Snyder that Snyder that Shallick sa A Tha Q Wh  A I be Q Did Bosetti t was choked A I do	ti. 1:59:09PM  ay. And what was the conversation 1:59:10PM  ad outside the bar? 1:59:12PM  dieve Frank had said that we're 1:59:14PM  we'll take care of it. And then 1:59:19PM  spoke to Snyder and tried to explain 1:59:23PM  someone was choked. I don't know if 1:59:26PM  ally used her name or not. And the 1:59:30PM  you know, someone blurted out, no 1:59:33PM  oked. Now, Rich Bosetti says it was 1:59:37PM  at said it; and Snyder denies it, and 1:59:40PM  aks that Christopher Shallick may have 1:59:43PM  1:59:47PM  d what's the basis of your belief 1:59:47PM  ard denied it and said Christopher 1:59:49PM  at what they had told me. 1:59:53PM  at what they had told me. 1:59:53PM  dieve Snyder told me that. 1:59:57PM  Snyder tell you that Rich 1:59:58PM  that Snyder asked Rich Bosetti who 1:59:59PM  denied: 2:00:00PM

37 (Pages 446 to 449)

Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 114 of 236 PageID #: Page 450 Page 452 **GEORGE HESSE** GEORGE HESSE 1 1 2 2 attention that night? 2:01:53PM identified who was choked? 2:00:05PM 3 3 A I don't remember specifically. 2:00:07PM A Repeat that. 2:01:56PM 4 4 Q Now, if you look at Hesse 15, is this 2:00:12PM Q Did she -- did she indicate whether 2:01:58PM 5 the facsimile that came in? 5 she sought medical attention that night? 2:02:00PM 2:00:15PM 6 Yes. 2:00:19PM 6 She did not. 2:02:02PM Α 7 7 She did not. 2:02:03PM O If you look at the top corner, it says 2:00:19PM 0 8 8 10-29-04. Did you ask Richie Bosetti why he 2:00:22PM 2:02:04PM 9 9 Do you see that? 2:00:23PM didn't bring her into the station that night? 2:02:08PM 10 Right. 2:00:24PM 10 A I believe I was told that they were 2:02:11PM Α going to wait until the ambulance had left, but 2:02:17PM 11 11 That date is not accurate, is it? 2:00:25PM 12 Α No, that can't be. 2:00:28PM 12 then I don't think -- it never happened anyway, 2:02:20PM 13 13 That's before the incident actually 2:00:29PM so I don't know. 2:02:22PM 14 happened, right? 2:00:30PM 14 Q So when the ambulance left, they 2:02:24PM 15 15 A Yes. 2:00:31PM didn't go back; is that your testimony? 2:02:25PM 16 Q Do you recall what time it actually 2:00:32PM 16 Right. 2:02:27PM 17 2:00:33PM 17 Okay. Do you know why they didn't go 2:02:28PM came in? Q 18 A I don't recall, no. 2:00:34PM 18 back? 2:02:30PM 19 MR. NOVIKOFF: Well, there is that 19 Α 2:02:30PM 2:00:34PM I don't -- I don't know. 20 underlining line that appears --2:00:36PM 20 O Did you ask Rich Bosetti why? 2:02:32PM 21 THE WITNESS: Oh, there is, yes. 2:00:38PM 21 I don't recall if I did. 2:02:33PM 22 22 MR. NOVIKOFF: -- it says 10/3. Can't 2:00:38PM Did you ask Jean Yager why? O 2:02:34PM 23 23 I don't recall if I did or not. 2:02:38PM really make out the next space. 2:00:40PM Α 24 24 A 2964 and a 1951. 2:00:44PM O Did you ask Bud Yager why? 2:02:40PM 25 25 I don't recall if I did or not. MR. GOODSTADT: Either way, it doesn't 2:00:47PM Α 2:02:43PM Page 451 Page 453 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 make sense, because that Monday was after Q Did you ask Rich Bosetti why he didn't 2:02:52PM 3 3 2:00:50PM bring Jeanne Yager over to the on-duty officers 2:02:54PM 10-30 or 31. 4 MR. NOVIKOFF: Maybe the machine was 2:00:52PM 4 at Houser's? 2:02:58PM 5 5 2:00:53PM 2:02:59PM broken. Α I don't recall if I did or not. 6 6 BY MR. GOODSTADT: 2:00:55PM O So you don't know one way or the 2:03:02PM 7 Q Do you know why she wrote it to Ed 2:00:55PM 7 other? 2:03:03PM 8 Paradiso instead of you? 2:01:00PM 8 No, I don't. 2:03:05PM Α 9 9 I don't know. 2:01:02PM Did he tell you why he didn't bring 2:03:06PM O 10 0 Did you ever ask her? 2:01:02PM 10 her over to them at Houser's? 2:03:08PM 11 Α 2:01:03PM 11 No. 2:03:10PM 12 MR. CONNOLLY: "Them" being the So this fax was in response to your 2:01:07PM 12 2:03:10PM 2:03:11PM 13 asking her to fax something in? 2:01:09PM 13 officers at the scene? 14 14 BY MR. GOODSTADT: Yes. 2:01:11PM 2:03:12PM Did she mention who else she was with 2:01:19PM 15 O 15 Q Rich Bosetti didn't bring Jean Yager 2:03:12PM 16 on that line? 2:01:21PM 16 over to the on-duty officers at the scene. 2:03:15PM 17 17 Yeah, I don't recall. A I believe she did, but she didn't know 2:01:26PM 2:03:18PM 18 who they were by name. 2:01:27PM 18 Q Did you ask him? 2:03:18PM 19 Q So when you spoke to her, she told you 2:01:31PM 19 I don't recall if I did or not. 2:03:20PM 20 20 she didn't know who she was with by name? MR. GOODSTADT: Why don't we take a 2:03:32PM 2:01:33PM 21 21 A She wasn't with anybody in particular, 2:01:36PM break here and try to get in touch with the 2:03:33PM 22 just other women waiting on line. 2:01:38PM 22 judge. 2:03:35PM

23

24

38 (Pages 450 to 453)

2:03:37PM

2:01:44PM

Do you know whether she sought medical 2:01:50PM

2:01:40PM

23

24

25

Α

0

Q Okay. That's what she told you?

That's what I recall.

(Whereupon, a discussion was held off 2:03:40PM

THE VIDEOGRAPHER: The time is 2:05.

We're off the record.

	يـــــــــــــــــــــــــــــــــــــ	216
	Page 454	Page 456
1	GEORGE HESSE	1 GEORGE HESSE
2	the record.) 2:03:40PM	2 many other names. She said she didn't know a 2:09:59PM
3	THE VIDEOGRAPHER: The time is 2:09. 2:07:43PM	3 lot of people there. 2:10:03PM
4	We're on the record. 2:07:44PM	4 Q And had you known Don McKenna before 2:10:04PM
5	BY MR. GOODSTADT: 2:07:49PM	5 that time? 2:10:08PM
6	Q Now, when this fax came in from Jeanne 2:07:49PM	6 A Dan. 2:10:09PM
7	Yager, did you discuss it with anybody on that 2:07:52PM	7 Q Dan McKenna? I apologize. 2:10:10PM
8	day, other than for what you already testified 2:07:55PM	8 A Yeah, I knew Dan. 2:10:11PM
9	to with your conversation with her? 2:07:58PM	9 Q From being a bartender there or were 2:10:12PM
10	A I don't recall. 2:08:01PM	10 you personal friends? 2:10:15PM
11	Q Did you speak to her after she faxed 2:08:02PM	11 MR. NOVIKOFF: Objection. 2:10:16PM
12	it in on that day? 2:08:05PM	MR. CONNOLLY: Objection, or something 2:10:17PM
13	A I don't recall. 2:08:07PM	13 else. 2:10:19PM
14	Q And at the time this fax came in, had 2:08:09PM	14 A I'm not personal friends with Dan 2:10:19PM
15	you put anybody else on the investigation with 2:08:13PM	15 McKenna. He's a member of the fire service over 2:10:19PM
16	you or were you still the sole investigator? 2:08:15PM	16 there, ambulance corps. 2:10:23PM
17	A I was still alone. 2:08:18PM	17 Q Had you known Cara McKenna prior to 2:10:24PM
18	Q And after this fax came in, what was 2:08:20PM	18 then? 2:10:27PM
		19 A Yes. 2:10:28PM
19	the next well, strike that. 2:08:24PM	
20	How long was it between you got off 2:08:26PM	20 Q How did you know her? 2:10:29PM
21	the phone with her and the fax came in? 2:08:29PM	A She is a long-time resident. She's 2:10:30PM
22	A I don't recall. 2:08:31PM	been born there. I know her parents. She also 2:10:32PM
23	Q Did you do anything with respect to 2:08:31PM	23 works in the village office. She's also a 2:10:35PM
24	the investigation between getting off the phone 2:08:32PM	24 member of the fire service and ambulance corps. 2:10:38PM
25	with Jeanne Yager and Hesse 15 being faxed in? 2:08:35PM	25 Q What did she do in the village office? 2:10:40PM
		I.
	Page 455	Page 457
1	-	_
1	GEORGE HESSE	1 GEORGE HESSE
2	GEORGE HESSE A I don't remember. 2:08:41PM	1 GEORGE HESSE 2 A Secretarial. 2:10:43PM
2	GEORGE HESSE  A I don't remember. 2:08:41PM  Q So what was the next thing you recall 2:08:42PM	1 GEORGE HESSE 2 A Secretarial. 2:10:43PM 3 Q And Ian Levine you knew before then, 2:10:48PM
2 3 4	GEORGE HESSE  A I don't remember. 2:08:41PM  Q So what was the next thing you recall 2:08:42PM  doing with respect to the Halloween incident 2:08:45PM	1 GEORGE HESSE 2 A Secretarial. 2:10:43PM 3 Q And Ian Levine you knew before then, 2:10:48PM 4 correct? 2:10:51PM
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39 (Pages 454 to 457)

Page 458 Page 460 1 GEORGE HESSE 1 GEORGE HESSE 2 Yeah, I don't recall if I took notes. 2:11:18PM 2 A Just the end part. He didn't see the 2:13:11PM 3 3 Q If you took some notes, where would 2:11:20PM beginning. 2:13:15PM 4 4 they be kept? 2:11:22PM Q What end part did he tell you he 2:13:15PM 5 A They should be in the file. If I took 2:11:24PM 5 witnessed? 2:13:18PM 6 any notes, they would be in the file. 2:11:26PM 6 That Bosetti was over -- either 7 7 Q Did you keep like a notebook in standing over or squatting over. I'd have to 2:13:24PM 2:11:28PM connection with this investigation? 2:11:30PM 8 8 read his statement to recall. He remembers 2:13:26PM 9 9 2:11:31PM seeing his shield out, and that's all I recall 2:13:28PM 10 at this time. 10 So what would you have taken notes on? 2:11:33PM 2:13:30PM Q 11 Maybe just a piece of scrap paper or 2:11:35PM 11 A Q Did he tell you that he saw one of the 2:13:31PM 12 2:11:38PM 12 Bosettis use a pool cue? 2:13:34PM 13 Sitting here today, you don't recall 2:11:42PM 13 Not that I recall. 2:13:36PM one way or the other whether there were notes of 2:11:43PM 14 14 Did you ask him whether he was 2:13:44PM 15 15 that conversation? 2:11:45PM drinking that night? 2:13:45PM 16 A No. I don't recall. 2:11:46PM 16 Α No. 2:13:46PM 17 What was the next thing you did after 2:11:50PM 17 O How come? 2:13:47PM 18 18 speaking with Jeanne Yager that day with respect 2:11:52PM Α I don't recall why. 2:13:48PM 19 19 to Halloween incident? 2:11:54PM Do you think it would be relevant if 2:13:50PM 20 Repeat that question. I'm sorry. 2:11:58PM 20 an eyewitness who was giving you a statement was 2:13:51PM 21 21 Yeah, after you spoke with Jeanne 2:12:00PM drinking that night? 2:13:53PM 22 22 MR. NOVIKOFF: Objection. 2:13:55PM Yager for the second time, what was the next 2:12:02PM 23 2:12:05PM 23 It could have been. 2:13:55PM thing you did that day with respect to the 24 24 Halloween investigation? Did you take any notes of the phone 2:13:57PM 25 25 2:13:58PM A I believe I reached out to Ian Levine 2:12:10PM call you had with Mr. Levine? Page 459 Page 461 1 GEORGE HESSE 1 **GEORGE HESSE** 2 2 I don't believe I did. 2:14:00PM to find out if he had seen anything. Α 2:12:12PM 3 3 0 How come? 2:14:01PM Q Did you get in touch with him? 2:12:19PM 4 Α Yes. 2:12:20PM 4 Because I knew he was going to come in 2:14:01PM 5 5 and give a statement, and it was just I didn't 2:14:03PM Q You called him or you went the to him 2:12:22PM 6 in person? 2:12:25PM need to take notes. 2:14:05PM 6 7 A I called him. 2:12:25PM 7 Q Tell me everything else you recall 2:14:14PM 8 Q Okay. Tell me everything you recall 2:12:26PM 8 about the conversation you had with Mr. Levine 2:14:15PM 9 9 on that phone conversation. on the phone that day. 2:12:27PM 2:14:17PM 10 A I asked him about the night, if he had 2:12:30PM 10 A I believe I asked him if he knew of 2:14:19PM anybody else that was there that he remembers. 2:14:21PM 11 11 seen anything. He said that he remembers that 2:12:32PM 12 one of the Bosetti brothers -- a lot of people 2:12:40PM 12 I think he gave me a couple more names. 2:14:26PM 13 13 had a hard time telling between the two Bosetti 2:12:43PM What names did he give you? 2:14:29PM 14 brothers. But he said one of the Bosetti 14 I believe he gave me Sean O'Rourke, 2:14:31PM 2:12:46PM 15 brothers was in a fight. He called the police 2:12:46PM 15 Doug Wyckoff. I think he also -- because I 2:14:34PM 16 department's direct number to get somebody down 2:12:48PM 16 asked who was -- if there were any other 2:14:37PM 17 17 there quick to help out either Richie or Gary. 2:12:50PM bartenders besides Dan. I don't recall offhand 2:14:38PM 18 2:14:44PM 18 And he said the fight was getting broken up 2:12:53PM if he told me anybody else's names. 19 after he hung up the phone. He said 2:12:58PM 19 Q Did you ask him why he didn't give a 2:14:48PM 20 20 approximately, I think, 10 minutes had gone by 2:13:01PM statement to the police that night? 2:14:50PM 21 before the police had arrived. And that's all I 2:13:03PM 21 I don't recall. 2:14:55PM 22 recall at this time. I know he gave a 22 Was he at the bar when the on-duty 2:14:56PM 23 23 statement. 2:13:08PM police officers arrived? 2:14:58PM 24 24 Α 2:15:02PM Q Did he tell you that he witnessed any 2:13:09PM Yes. 25 25 part of the fight? 2:13:10PM MR. NOVIKOFF: Was he told that by 2:15:04PM

40 (Pages 458 to 461)

Page 462	218
Page 462	Page 464
1 GEORGE HESSE	1 GEORGE HESSE
2 Mr. Levine if he was at the bar. 2:15:06PM	2 husband of Dale Wyckoff, the former husband of 2:16:50PM
3 MR. GOODSTADT: Yeah. 2:15:09PM	3 Dale Wyckoff, father of Marissa Wyckoff, who 2:16:54PM
4 BY MR. GOODSTADT: 2:15:09PM	4 worked in the police department; is that 2:16:58PM
	5 correct? 2:16:59PM
The state of the s	
6 the on-duty police officers arrived? 2:15:11PM	
7 A Yes. 2:15:12PM	7 Q And did you reach out to Mr. Wyckoff? 2:17:01PM
Q Do you know whether he spoke with the 2:15:13PM	8 A I don't remember how I got in touch 2:17:07PM
9 on-duty police officers? 2:15:14PM	9 with him. I think I ran into him. 2:17:08PM
10 A I don't recall. 2:15:15PM	10 Q You ran into him? 2:17:11PM
Q Did you ask whether he spoke with the 2:15:15PM	11 A Yeah. 2:17:13PM
12 on-duty police officers? 2:15:17PM	12 Q Where? 2:17:13PM
13 A I don't recall. 2:15:19PM	13 A Outside the police station. 2:17:14PM
14 Q Just so I'm clear, to your 2:15:22PM	14 Q So the next thing you did, you're 2:17:17PM
understanding or knowledge, he never reached out 2:15:24PM	going to reach out to Doug Wyckoff and you just 2:17:19PM
16 to give a witness statement; you're the one that 2:15:29PM	16 happen to run into him? 2:17:22PM
reached out to him, correct? 2:15:31PM	17 A It's a small village. Yeah. 2:17:25PM
18 A That's correct, yes. 2:15:33PM	18 Q Did you go outside looking for him? 2:17:26PM
19 <b>Q</b> Do you recall anything else that was 2:15:39PM	19 A You know, I don't recall. 2:17:29PM
20 discussed during that phone conversation? 2:15:40PM	Q Was anyone else with you when you ran 2:17:32PM
21 A I don't recall. 2:15:46PM	21 into Doug Wyckoff? 2:17:33PM
Q How did you know he was going to come 2:15:48PM	22 A I don't believe so, no. 2:17:35PM
23 in and give a statement? 2:15:49PM	Q Was anyone else with him when you ran 2:17:36PM
A Because I asked him to. 2:15:51PM	24 into Doug Wyckoff? 2:17:38PM
Q Did he ever come in and give a 2:15:53PM	25 A I don't know. I don't recall. 2:17:40PM
Page 463	Page 465
1 GEORGE HESSE	1 GEORGE HESSE
2 statement? 2:15:55PM	2 Q And did you speak with Doug Wyckoff 2:17:40PM
3 A Yes. 2:15:55PM	3 when you ran into him? 2:17:42PM
	•
	4 A Yes. 2:17:44PM 5 O Toll me everything you recall that was 2:17:44PM
5 A I don't know the exact date. It may 2:15:56PM	5 Q Tell me everything you recall that was 2:17:44PM
5 A I don't know the exact date. It may 2:15:56PM 6 have been the next day. 2:15:58PM	5 Q Tell me everything you recall that was 2:17:44PM 6 stated during that discussion. 2:17:46PM
5 A I don't know the exact date. It may 2:15:56PM 6 have been the next day. 2:15:58PM 7 Q That Tuesday? 2:16:00PM	5 Q Tell me everything you recall that was 2:17:44PM 6 stated during that discussion. 2:17:46PM 7 A I asked him if he witnessed any of the 2:17:49PM
A I don't know the exact date. It may 2:15:56PM have been the next day. 2:15:58PM  Q That Tuesday? 2:16:00PM  It may have been. I don't know. I 2:16:01PM	5 Q Tell me everything you recall that was 2:17:44PM 6 stated during that discussion. 2:17:46PM 7 A I asked him if he witnessed any of the 2:17:49PM 8 events of that night. He said yes, that he 2:17:51PM
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A I don't know the exact date. It may 2:15:56PM have been the next day. 2:15:58PM  Q That Tuesday? 2:16:00PM  A It may have been. I don't know. I 2:16:01PM know you have the statements, so 2:16:02PM  Q It's your recollection it was that 2:16:05PM  Tuesday? 2:16:07PM	5 Q Tell me everything you recall that was 2:17:44PM 6 stated during that discussion. 2:17:46PM 7 A I asked him if he witnessed any of the 2:17:49PM 8 events of that night. He said yes, that he 2:17:51PM 9 actually got involved. And I asked if he would 2:17:54PM 10 be willing to give a statement, and he said yes. 2:17:59PM 11 And he came in and gave a statement. 2:18:01PM
A I don't know the exact date. It may 2:15:56PM have been the next day. 2:15:58PM  Q That Tuesday? 2:16:00PM  A It may have been. I don't know. I 2:16:01PM know you have the statements, so 2:16:02PM  Q It's your recollection it was that 2:16:05PM  Tuesday? 2:16:07PM  A No. I don't recall. 2:16:07PM	5 Q Tell me everything you recall that was 2:17:44PM 6 stated during that discussion. 2:17:46PM 7 A I asked him if he witnessed any of the 2:17:49PM 8 events of that night. He said yes, that he 2:17:51PM 9 actually got involved. And I asked if he would 2:17:54PM 10 be willing to give a statement, and he said yes. 2:17:59PM 11 And he came in and gave a statement. 2:18:01PM 12 Q Did he tell you any of the events 2:18:03PM
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41 (Pages 462 to 465)

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	Page 466		Page 468
1	GEORGE HESSE	1	GEORGE HESSE
2	do you know, to give a statement? 2:18:34PM	2	Q You don't recall what day it was? 2:22:59PM
3	A Not that I know of. 2:18:36PM	3	A No. 2:23:01PM
4	Q And had he given a statement prior to 2:18:37PM	4	Q Did he definitely come into the police 2:23:07PM
5	that? 2:18:39PM	5	station on the day that you saw him outside? 2:23:09PM
6	A Not that I know of. 2:18:39PM	6	A You know, I don't recall. I'm not 2:23:12PM
7	Q Did you ask him whether he was in the 2:18:45PM	7	going to guess. 2:23:15PM
8	bar at the time the on-duty officers got there? 2:18:46PM	8	Q Did you ask whether he was drinking? 2:23:18PM
9	A I don't recall if I asked him that 2:18:51PM	9	A I don't recall. 2:23:22PM
10	specific question. 2:18:53PM	10	Q You don't recall one way or the other? 2:23:23PM
11	Q Did you ask him why he didn't give a 2:18:53PM	11	A No. 2:23:25PM
12	statement that night? 2:18:56PM	12	Q Do you think that would be an 2:23:27PM
13	A You know what, I think I did, and he 2:18:58PM	13	important fact to know, whether Mr. Wyckoff was 2:23:28PM
14	said that no one asked him what happened. 2:19:00PM	14	drinking that night? 2:23:31PM
15	Q Did you ask him why he didn't go to 2:19:02PM	15	MR. NOVIKOFF: Objection. 2:23:32PM
16	the police station? 2:19:04PM	16	A Could be. 2:23:33PM
17	A I don't recall if I did or not. 2:19:06PM	17	Q What do you mean, it could be? 2:23:35PM
18	MR. GOODSTADT: Let's go off the 2:19:18PM	18	A It could be relevant. 2:23:37PM
19	record for one second. 2:19:18PM	19	Q Why would it be relevant? 2:23:40PM
20	THE VIDEOGRAPHER: The time is 2:21. 2:19:20PM	20	MR. NOVIKOFF: Objection. 2:23:42PM
21	We're off the record. 2:19:21PM	21	A May impair his judgment or his 2:23:43PM
22	(Whereupon, a discussion was held off 2:22:14PM	22	recollection. 2:23:50PM
23	the record.) 2:22:14PM	23	Q So don't you think it of would have 2:23:54PM
24	THE VIDEOGRAPHER: The time is 2:24. 2:22:16PM	24	been important to ask him that question? 2:23:56PM
25	We're on the record. 2:22:17PM	25	MR. NOVIKOFF: Objection. 2:23:58PM
	we to off the record. 2.22.171 W	23	IVIK. IVO V IIVOI I . Objection. 2.25.561 WI
	Page 467		Page 469
1	GEORGE HESSE	1	GEORGE HESSE
2	BY MR. GOODSTADT: 2:22:21PM	2	MR. CONNOLLY: Objection. 2:23:59PM
3	Q Do you recall anything else that was 2:22:21PM	3	A It could've been. 2:23:59PM
4	discussed between you and Mr. Wyckoff in that 2:22:22PM	4	MR. GOODSTADT: Just mark that. 2:24:02PM
5	conversation outside? 2:22:25PM	5	(Whereupon, Bates document 3165-3166 2:24:03PM
6	A Specifically, no. 2:22:26PM	6	was marked as Plaintiff's Exhibit 16 for 2:24:03PM
7	Q Did you take any notes of that 2:22:28PM	7	identification, as of this date.) 2:24:03PM
8	conversation? 2:22:30PM	8	MR. GOODSTADT: I've placed in front 2:24:26PM
9	A No. 2:22:30PM	9	of Mr. Hesse what's now been marked as 2:24:27PM
10	Q Why not? 2:22:30PM	10	Hesse 16. It is a two-page exhibit bearing 2:24:30PM
11	A I think I took his statement. 2:22:32PM	11	Bates 3165 and 3166. (Handing.) 2:24:35PM
12	Q You took his statement outside? 2:22:33PM	12	BY MR. GOODSTADT: 2:24:38PM
13	A No. I think we walked right into the 2:22:35PM	13	Q Mr. Hesse, is this the witness 2:24:39PM
14	police station. 2:22:37PM	14	statement that you took of Mr. Wyckoff? 2:24:40PM
15	Q Okay. So you took his statement on 2:22:38PM	15	A Yes. 2:24:42PM
			Q Do you see on the bottom left it has 2:24:45PM
16		16	O DO YOU SEC OH THE DOLLOTH LETT II HAS 2.24.431 W
	that day? 2:22:40PM		- ·
16	that day? 2:22:40PM  A You know, I don't recall if it was 2:22:40PM	17	"name of preparing officer"? 2:24:46PM
16 17	that day? 2:22:40PM  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM	17 18	"name of preparing officer"? 2:24:46PM Do you see that? 2:24:48PM
16 17 18	that day?  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM  Q So your statement that we just walked 2:22:43PM	17	"name of preparing officer"? 2:24:46PM Do you see that? 2:24:48PM A Yes. 2:24:48PM
16 17 18 19	that day?  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM  Q So your statement that we just walked 2:22:43PM back to the police station and took his 2:22:43PM	17 18 19	"name of preparing officer"? 2:24:46PM Do you see that? 2:24:48PM A Yes. 2:24:48PM Q Is that your handwriting and 2:24:50PM
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16 17 18 19 20 21	that day?  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM  Q So your statement that we just walked 2:22:43PM back to the police station and took his 2:22:43PM statement may not be true? 2:22:43PM MR. NOVIKOFF: Objection. 2:22:48PM	17 18 19 20 21 22	"name of preparing officer"?  Do you see that?  2:24:48PM  A Yes.  2:24:48PM  Q Is that your handwriting and 2:24:50PM signature?  A Yes.  2:24:51PM  2:24:52PM
16 17 18 19 20 21 22	that day?  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM  Q So your statement that we just walked 2:22:43PM back to the police station and took his 2:22:43PM statement may not be true? 2:22:43PM  MR. NOVIKOFF: Objection. 2:22:48PM MR. CONNOLLY: Objection. 2:22:48PM	17 18 19 20 21 22 23	"name of preparing officer"?  Do you see that?  2:24:46PM  2:24:48PM  A Yes.  2:24:48PM  Q Is that your handwriting and 2:24:50PM  signature?  2:24:51PM  A Yes.  2:24:52PM  Q And you were sergeant at the time? 2:24:55PM
16 17 18 19 20 21 22 23	that day?  A You know, I don't recall if it was 2:22:40PM that day, to tell you the truth. 2:22:42PM  Q So your statement that we just walked 2:22:43PM back to the police station and took his statement may not be true? 2:22:43PM  MR. NOVIKOFF: Objection. 2:22:48PM  MR. CONNOLLY: Objection. 2:22:48PM	17 18 19 20 21 22	"name of preparing officer"?  Do you see that?  2:24:46PM  2:24:48PM  A Yes.  2:24:48PM  Q Is that your handwriting and 2:24:50PM  signature?  A Yes.  2:24:51PM  2:24:52PM

42 (Pages 466 to 469)

Do you see that?  2:25:04PM  A Yes.  2:25:05PM  6 took the statement?  A Yes.  2:25:08PM  7 A Yes.  2:25:08PM  8 Q Does that refresh your recollection as 2:25:09PM  9 to whether that was the Monday?  10 A That would have to be Tuesday, then.  2:25:14PM  10 Q Tuesday. Okay.  2:25:17PM  11 Q Tuesday. Okay.  2:25:17PM  12 So just so I get a time line correct  2:25:17PM  13 A No.  2:26:56PM  14 Q Did you ask him whether about of the 2 cevening and asked generally to everyone that was there, did anyone see what happened?  2 A That would have to be Tuesday, then.  2:25:14PM  10 A That would have to be Tuesday, then.  2:25:14PM  11 Q Tuesday. Okay.  2:25:17PM  12 Q Snyder never told you that?  13 A No.  2:26:56PM  14 OUT recall anything like that, no.  2:26:56PM  15 A No.  2:26:56PM  16 Q Okay.  2:25:14PM  17 A No.  2:26:59PM  18 MR. NOVIKOFF: I'm sorry, is two  2:25:24PM  19 THE REPORTER: Yeah.  2:25:31PM  19 THE REPORTER: Yeah.  2:25:33PM  20 MR. NOVIKOFF: I want to put on the  2:25:33PM  21 record that I believe Mr. Goodstadt's seven  2:25:33PM  22 hours has ended, but then again, I leave  2:25:34PM  23 that to Mr. Connolly to decide what to do  2:25:41PM  24 A Yes.  2:27:16PM	2:26:40PM as 2:26:44PM 2:26:46PM PPM t 2:26:50PM 2:26:53PM 2:58PM 7:00PM PM 44PM 2:27:06PM 2:27:06PM 2:27:06PM
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3   Do you see that?   2:25:04PM   3   A   Repeat that.   2:26:38PM   4   Q   Did you ask him whether about of the 2   2   25:05PM   5   Q   Is that the date that you actually   2:25:05PM   5   On-duty officers went back into the bar that 2   2:25:07PM   6   evening and asked generally to everyone that we there, did anyone see what happened?   2:25:08PM   7   there, did anyone see what happened?   2:25:08PM   9   Q   Did you ever hear that Tom Snyder went to whether that was the Monday?   2:25:12PM   9   Q   Did you ever hear that Tom Snyder went to whether that was the Monday?   2:25:14PM   10   Dack in the bar and asked that question?   2   Q   Snyder never told you that?   2:26:56PM   12   Q   Snyder never told you that?   2:26:59PM   13   A   No.   2:26:59PM   14   O   Did you ever hear that Tom Snyder went back in the bar and asked that question?   2   Q   Snyder never told you that?   2:26:56PM   14   O   Did you ever hear that Tom Snyder went back in the bar and asked generally to everyone that we there, did anyone see what happened?   2:26:49PM   10   Did you ever hear that Tom Snyder went back in the bar and asked generally to everyone that we there, did anyone see what happened?   2:26:49PM   10   Did you ever hear that Tom Snyder went back in the bar and asked generally to everyone that we there, did anyone see what happened?   2:26:49PM   10   Did you ever hear that Tom Snyder went back in the bar and asked generally to everyone that we there, did anyone see what happened?   2:26:49PM   10   Did you ever hear that Tom Snyder went back in the bar and asked that question?   2:26:49PM   11   A   No.   2:26:59PM   12   Q   Snyder never told you that?   2:26:59PM   12   Did you ever hear that Tom Snyder went back in the bar and asked that question?   2:26:59PM   12   Did you ever hear that Tom Snyder went back in the bar and asked that question?   2:26:59PM   12   Did you ever hear that Tom Snyder went back in the bar and asked that question?   2:26:59PM   13   Did you ever hear that Tom Snyder went ba	2:26:39PM 2:26:40PM as 2:26:44PM 2:26:46PM 2:26:50PM 2:26:53PM 2:26:53PM 3:58PM 7:00PM PM 44PM 2:27:06PM 2:27:06PM 2:27:06PM
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15 A I don't recall. 2:25:24PM 15 Is this the this is the witness 2:27:03F 16 Q Okay. 2:25:25PM 16 statement that he gave you? 2:27:04 17 MR. NOVIKOFF: I'm sorry, is two 2:25:26PM 17 A Yes. 2:27:05PM 18 minutes up? 2:25:29PM 18 Q And is this your handwriting? I know 2 19 THE REPORTER: Yeah. 2:25:31PM 19 that may be his signature on the bottom right. 20 MR. NOVIKOFF: I want to put on the 2:25:33PM 20 But other than that, is this your handwriting? 21 record that I believe Mr. Goodstadt's seven 2:25:33PM 21 A Yes. 2:27:12PM 22 hours has ended, but then again, I leave 2:25:34PM 22 Q Second page also, other than for his 2:2 3 that to Mr. Connolly to decide what to do 2:25:37PM 23 signature, is that your handwriting? 2:27:16PM	PM 14PM 2:27:06PM 2:27:06PM 2:27:08PM
16 Q Okay. 2:25:25PM 17 MR. NOVIKOFF: I'm sorry, is two 2:25:26PM 18 minutes up? 2:25:29PM 19 THE REPORTER: Yeah. 2:25:31PM 20 MR. NOVIKOFF: I want to put on the 2:25:33PM 21 record that I believe Mr. Goodstadt's seven 2:25:33PM 22 hours has ended, but then again, I leave 2:25:34PM 23 that to Mr. Connolly to decide what to do 2:25:37PM 24 going forward. 2:25:41PM 25:25:25PM 26 Statement that he gave you? 2:27:05PM 27:05PM 28 Q And is this your handwriting? I know 29 But other than that, is this your handwriting? 29 But other than that, is this your handwriting? 20 Q Second page also, other than for his 2:20 Signature, is that your handwriting? 29 Signature, is that your handwriting? 2:27:16PM	2:27:06PM 2:27:06PM 2:27:06PM 2:27:08PM
MR. NOVIKOFF: I'm sorry, is two 2:25:26PM 17 A Yes. 2:27:05PM 18 minutes up? 2:25:29PM 18 Q And is this your handwriting? I know 27 that may be his signature on the bottom right.  MR. NOVIKOFF: I want to put on the 2:25:33PM 20 But other than that, is this your handwriting? 19 that may be his signature on the bottom right.  MR. NOVIKOFF: I want to put on the 2:25:33PM 20 But other than that, is this your handwriting? 21 record that I believe Mr. Goodstadt's seven 2:25:33PM 21 A Yes. 2:27:12PM 22 Q Second page also, other than for his 2:20 that to Mr. Connolly to decide what to do 2:25:37PM 23 signature, is that your handwriting? 2:27:16PM 24 A Yes. 2:27:16PM	2:27:06PM 2:27:06PM 2:27:08PM
minutes up? 2:25:29PM 18 Q And is this your handwriting? I know 2 THE REPORTER: Yeah. 2:25:31PM 19 that may be his signature on the bottom right.  MR. NOVIKOFF: I want to put on the 2:25:33PM 20 But other than that, is this your handwriting? 1 know 2 that I believe Mr. Goodstadt's seven 2:25:33PM 21 A Yes. 2:27:12PM 22 hours has ended, but then again, I leave 2:25:34PM 22 Q Second page also, other than for his 2:2 that to Mr. Connolly to decide what to do 2:25:37PM 23 signature, is that your handwriting? 2:27:16PM	2:27:06PM 2:27:08PM
THE REPORTER: Yeah. 2:25:31PM  MR. NOVIKOFF: I want to put on the 2:25:33PM  record that I believe Mr. Goodstadt's seven 2:25:33PM  hours has ended, but then again, I leave 2:25:34PM  that to Mr. Connolly to decide what to do 2:25:37PM  going forward. 2:25:41PM  19 that may be his signature on the bottom right.  A Yes. 2:27:12PM  22 Q Second page also, other than for his 2:2  3 signature, is that your handwriting?  24 A Yes. 2:27:16PM	2:27:06PM 2:27:08PM
MR. NOVIKOFF: I want to put on the 2:25:33PM 21 record that I believe Mr. Goodstadt's seven 2:25:33PM 22 hours has ended, but then again, I leave 2:25:34PM 23 that to Mr. Connolly to decide what to do 2:25:37PM 24 going forward. 2:25:41PM 25 But other than that, is this your handwriting? 25 But other than that, is this your handwriting? 20 Second page also, other than for his 2:20 Second page also, other	2:27:08PM
record that I believe Mr. Goodstadt's seven 2:25:33PM hours has ended, but then again, I leave 2:25:34PM that to Mr. Connolly to decide what to do 2:25:37PM going forward.  21 A Yes. 2:27:12PM  22 Q Second page also, other than for his 2:2  23 signature, is that your handwriting? 2:27:16PM	
hours has ended, but then again, I leave 2:25:34PM that to Mr. Connolly to decide what to do 2:25:37PM going forward.  22 Q Second page also, other than for his 2:2 3 signature, is that your handwriting? 23 signature, is that your handwriting? 24 A Yes. 25:27:16PM	
that to Mr. Connolly to decide what to do 2:25:37PM 23 signature, is that your handwriting? 2:27:16PM 24 going forward. 2:25:41PM 24 A Yes. 2:27:16PM	
24 going forward. 2:25:41PM 24 A Yes. 2:27:16PM	27:12PM
5	7:14PM
MR. CONNOLLY: Mr. Goodstadt, you can 2:25:42PM 25 Q Was anyone else there when you took	
	2:27:16PM
Page 471	Page 473
	1490 173
1 GEORGE HESSE 1 GEORGE HESSE	
2 finish questioning regarding this exhibit. 2:25:44PM 2 his statement? 2:27:18PM	
MR. GOODSTADT: Okay. Four and a half 2:25:47PM 3 A I don't recall either way. 2:27:19PM	
4 hours on this exhibit, are you okay with 2:25:50PM 4 Q Do you recall what time on the 2nd he	2:27:20PM
5 that? 2:25:52PM 5 <b>gave you this statement? 2:27:23</b>	PM
6 MR. NOVIKOFF: All right then. 2:25:55PM 6 A No, I don't recall. 2:27:23PM	
7 MR. CONNOLLY: Yes, four and a half 2:25:56PM 7 Q Do you recall what other statements 2	::27:24PM
8 hours limited to this exhibit. 2:25:58PM 8 <b>you had prior to Wyckoff giving you this</b> 2	2:27:26PM
9 BY MR. GOODSTADT: 2:26:00PM 9 <b>statement? 2:27:28PM</b>	
10 Q So it's possible that there was a gap 2:26:01PM 10 A Say that again. 2:27:28PM	l
11 of a day between your conversation outside and 2:26:03PM 11 Q Do you recall what other which 2:2	27:29PM
the day you took his statement, correct? 2:26:05PM 12 other witness statements you had prior to takin	ıg 2:27:30PM
13 A Sure. 2:26:08PM 13 Wyckoff's? 2:27:32PM	l
Q Okay. Did you ask Mr. Wyckoff why he 2:26:08PM 14 A At this time, I don't recall, no. 2:27:33F	PM
15 didn't give a statement at the bar that night? 2:26:13PM 15 Q Is there anything that you can think 2:	
	:27:36PM
17 answered. 2:26:16PM 17 A The entire Halloween file. 2:27:38.	
18 A I believe he said to me that no one 2:26:20PM 18 Q Anything else? 2:27:41PM	PM
19 approached him or asked him what happened. 2:26:22PM 19 A No. 2:27:42PM	M
19 approached him or asked him what happened. 2:26:22PM 20 Q Did you ask him whether he saw the 2:26:24PM 20 Q Then if you look down the fourth line 2	M 2:27:45PM
19 approached him or asked him what happened. 2:26:22PM 20 Q Did you ask him whether he saw the 2:26:24PM 21 on-duty officers there that night? 2:26:26PM 20 Q Then if you look down the fourth line 2 down in the text there on Page 1 of Hesse 16, it	M 2:27:45PM 2:27:48PM
approached him or asked him what happened. 2:26:22PM  Q Did you ask him whether he saw the 2:26:24PM  on-duty officers there that night? 2:26:26PM  A I don't recall. 2:26:28PM  19 A No. 2:27:42PM  Q Then if you look down the fourth line 2  adown in the text there on Page 1 of Hesse 16, it  22 says, "I observed a large male, built like a 2:	M 2:27:45PM 2:27:48PM :27:54PM
approached him or asked him what happened. 2:26:22PM  Q Did you ask him whether he saw the 2:26:24PM  on-duty officers there that night? 2:26:26PM  A I don't recall. 2:26:28PM  Q Did you ask him whether any of the 2:26:29PM  I 9 A No. 2:27:42PM  Q Then if you look down the fourth line 2  down in the text there on Page 1 of Hesse 16, it  22 says, "I observed a large male, built like a 2:  G Did you ask him whether any of the 2:26:29PM  I 9 A No. 2:27:42PM  20 Q Then if you look down the fourth line 2  21 down in the text there on Page 1 of Hesse 16, it  22 says, "I observed a large male, built like a 2:  33 G Did you ask him whether any of the 2:26:29PM	M 2:27:45PM 2:27:48PM
approached him or asked him what happened. 2:26:22PM  Q Did you ask him whether he saw the 2:26:24PM  on-duty officers there that night? 2:26:26PM  A I don't recall. 2:26:28PM  19 A No. 2:27:42PM  Q Then if you look down the fourth line 2  adown in the text there on Page 1 of Hesse 16, it  22 says, "I observed a large male, built like a 2:	M 2:27:45PM 2:27:48PM :27:54PM 2:27:57PM

43 (Pages 470 to 473)

Page 474 Page 476 1 GEORGE HESSE GEORGE HESSE 1 2 2 2:29:34PM Α Yes. 2:28:01PM what happened? 3 3 0 "Of 63 Maple Place Huntington, New 2:28:02PM MR. NOVIKOFF: Objection. 2:29:35PM York." 4 A That's what I recall. That's what he 2:29:36PM 4 2:28:07PM 5 Do you see that? 2:28:07PM 5 told me. 2:29:37PM 6 Α Yes. 2:28:07PM 6 Q And then in response to that, you did 2:29:38PM 7 7 or did not ask him why he didn't proactively O How did he learn that that was 2:28:09PM 2:29:41PM 8 8 Christopher Shallick of 63 Maple Place, 2:28:09PM seek to give a statement to the on-duty 2:29:44PM 9 9 **Huntington, New York?** 2:28:09PM officers? 2:29:46PM 10 10 A I laid out a couple of licenses that 2:28:10PM MR. CONNOLLY: Objection to form. 2:29:47PM these officers had photo- -- I think 11 MR. NOVIKOFF: Objection. 2:29:49PM 11 2:28:13PM 12 photocopied, and he said that was the guy right 2:28:15PM 12 I don't recall. 2:29:49PM 13 2:28:18PM 13 there. Q You don't recall whether you did? 2:29:49PM 14 Q Okay. So the fact that you laid out 2:28:18PM 14 A No. 2:29:51PM 15 15 licenses and had like sort of a license 2:28:22PM MR. GOODSTADT: I think I'm done with 2:30:07PM 16 lineup --2:28:25PM 16 this exhibit for now. 2:30:08PM 17 A Pretty much. 2:28:26PM 17 MR. CONNOLLY: Okay. Why don't we 2:30:09PM 18 18 O -- that's not reflected anywhere in 2:28:27PM take a two-minute break and figure out what 2:30:10PM here, is it? 19 19 2:28:29PM we're going to do. 2:30:12PM 20 Α No. 2:28:30PM 20 THE VIDEOGRAPHER: The time is 2:32. 2:30:15PM 21 0 In the statement? 2:28:30PM 21 We're off the record. 2:30:16PM 22 22 No. 2:28:30PM (Whereupon, a discussion was held off 2:30:18PM Α 23 How come? 2:28:31PM 23 2:30:18PM 0 the record.) 24 24 Α I don't know. 2:28:33PM (Whereupon, Magistrate Boyle was 2:30:18PM 25 25 Q It says on this Page 2 of Exhibit 2:28:44PM called.) 2:30:18PM Page 475 Page 477 1 GEORGE HESSE 1 GEORGE HESSE 2 2 Hesse 16, the one, two, three, four, fifth line 2:28:53PM MR. GOODSTADT: We are -- as you 3:03:01PM 3 down, it says, "The doorman, Sean O'Rourke." 3 recall, we had made a motion to extend the 3:03:03PM 2:28:56PM 4 Do you see that? 2:28:58PM 4 time to take Defendant George Hesse's 3:03:07PM 5 5 Yes. 2:28:59PM A deposition beyond the seven hours. 3:03:09PM THE COURT: Yes. 6 "Doorman, Sean O'Rourke, came over to 2:28:59PM 6 3:03:11PM 7 help keep Christopher out of the bar." 2:29:03PM 7 MR. GOODSTADT: And you had denied 3:03:12PM 8 Do you see that? 2:29:05PM 8 that without prejudice with the right to 9 9 Yes. 2:29:06PM renew when we reached the seven-hour point. 3:03:16PM 10 It says, "Sean phoned the police." 10 And we've now reached the seven-hour point, 3:03:18PM 2:29:07PM 11 Do you see that? 2:29:09PM and we'd like to renew our request for an 3:03:21PM 11 12 12 2:29:10PM additional four and a half hours. 3:03:24PM 13 Q Is it your understanding that Sean 2:29:11PM 13 THE COURT: These are really elaborate 3:03:26PM 14 O'Rourke called the police that night? 14 motions because you really have to justify 3:03:26PM 2:29:13PM 15 Yes. 2:29:15PM 15 your -- what you have to cover and why you 3:03:30PM 16 Q And that's a separate call than Ian 2:29:16PM 16 didn't cover it in the time allotted. And 3:03:34PM 17 17 Levine's? I've done opinions on this, and, you know, 3:03:38PM 2:29:19PM 18 2:29:21PM 18 that's why I tried to set up a conference 3:03:42PM Α Yes. 19 Q And then the last sentence that says, 2:29:21PM 19 call last week to urge you to do some kind 3:03:45PM 20 20 "They never asked me or anyone if I could see 2:29:23PM of a conference just to eliminate the 3:03:49PM 21 21 any questions about what happened." 2:29:26PM paperwork. But if you can't agree on it, 3:03:53PM 22 Do you see that? 2:29:29PM 22 make your motion. But do your research on 3:03:55PM 23 23 Yeah. 2:29:30PM it. These are simple issues that you made 3:03:57PM 24 24 in your motion; and if you use your same old 3:04:02PM Is that the statement that you 2:29:31PM Q testified to before, that no one had asked him 2:29:32PM 25 25 motion, it would be denied. 3:04:04PM

44 (Pages 474 to 477)

	13	222	
	Page 478		Page 480
1	GEORGE HESSE	1	GEORGE HESSE
2	MR. GOODSTADT: Okay. So we'll be 3:04:07PM	2	mean, even Mr. Novikoff's letter to the 3:05:44PM
3	happy to submit a brief on the issue. 3:04:10PM	3	Court from weeks ago requesting extension of 3:05:46PM
4	THE COURT: Read the case. Are the 3:04:15PM	4	the discovery schedule demonstrated that 3:05:48PM
5	defendants there? 3:04:16PM	5	this is a very important witness who you 3:05:51PM
6	MR. CONNOLLY: Yes, we are, Your 3:04:17PM	6	know, who defendants plan to spend several 3:05:53PM
7	Honor. 3:04:17PM	7	hours with as well questioning. 3:05:56PM
8	THE COURT: Is there any way you'll 3:04:18PM	8	MR. NOVIKOFF: Your Honor, this is 3:05:58PM
9	consent to like an extension of two hours or 3:04:20PM	9	Mr. Novikoff. 3:05:59PM
10	something? The defense should speak up to 3:04:22PM	10	I was going to hopefully remain quiet 3:06:00PM
11	that. 3:04:22PM	11	for once in my life because Mr. Hesse is not 3:06:03PM
12	MR. CONNOLLY: Your Honor, we had 3:04:25PM	12	my client. But since I've been brought into 3:06:05PM
13	offered earlier an extension of 90 minutes. 3:04:26PM	13	this, the only thing I will say is I've 3:06:08PM
14	We're already 20 minutes beyond the seven 3:04:29PM	14	taken each of the plaintiffs' depositions on 3:06:10PM
15	hours, and my understanding is we've already 3:04:31PM	15	the same allegations in under seven hours, 3:06:12PM
16	gotten 475 pages of deposition transcript. 3:04:31PM	16	and I have not asked for one extension of 3:06:14PM
17	THE COURT: So you did your seven 3:04:37PM	17	time for any of the plaintiffs. And also in 3:06:16PM
18	hours, did you? 3:04:40PM	18	my respectful opinion, Mr. Goodstadt has 3:06:19PM
19	MR. CONNOLLY: And seven hours and 20 3:04:41PM	19	spent a considerable amount of time on 3:06:22PM
20	minutes. 3:04:42PM	20	either irrelevant issues or issues that 3:06:25PM
21	THE COURT: My suggestion would be to 3:04:45PM	21	really were not in dispute in terms of what 3:06:27PM
22	see how you can work it out. Do you have 3:04:46PM	22	he believes are relevant facts in this case. 3:06:31PM
23	any offer at all or do you want to go 3:04:49PM	23	But it's Mr. Connolly's client, so other 3:06:34PM
24	through a motion? Because you're probably 3:04:53PM	24	than just saying that, I'm out of it. 3:06:37PM
25	going to end up submitting your second 3:04:54PM	25	THE COURT: Mr. Connolly, do you want 3:06:41PM
	Page 479		Page 481
1	GEORGE HESSE	1	GEORGE HESSE
2	deposition. 3:04:58PM	2	to say something? 3:06:42PM
3	MR. CONNOLLY: Your Honor, we did 3:04:58PM	3	MR. CONNOLLY: Yes, Your Honor. I 3:06:43PM
4	offer 3:04:58PM	4	feel what we've offered to do is more than 3:06:44PM
5	THE COURT: The issue being you 3:04:58PM	5	fair. And, you know, there's been no claim 3:06:47PM
6	know, being the length of time. 3:04:59PM	6	that the questioning was impeded in any 3:06:49PM
7	MR. CONNOLLY: Your Honor, the 3:05:01PM	7	manner, and I feel that if it was structured 3:06:51PM
8	defendant did offer an additional 3:05:02PM	8	in a different way, we could've been done 3:06:54PM
9	90 minutes. 3:05:04PM	9	under the seven. 3:06:56PM
10	THE COURT: Is that anything you're 3:05:08PM	10	THE COURT: All right. My only 3:06:58PM
11	interested in? 3:05:09PM	11	suggestion to you and I'm just stating 3:07:00PM
12	MR. GOODSTADT: Well, Your Honor, any 3:05:10PM	12	the obvious, so it's not going to be any 3:07:01PM
13	extra time certainly helps, but this is, as 3:05:12PM	13	surprise. The plaintiff is looking for 3:07:04PM
14	we wrote in our letter, certainly the most 3:05:14PM	14	another four and a half. You're offering 3:07:07PM
15	important witness in the entire case, who is 3:05:16PM	15	90 minutes. Why don't you split it down to 3:07:09PM
16	involved with almost each and every 3:05:19PM	16	the middle and do two and a quarter hours, 3:07:12PM
17	allegation in the 193-paragraph complaint. 3:05:21PM	17	and you can save yourselves a lot of 3:07:14PM
18	There's thousands of pages of documents, 3:05:24PM	18	paperwork and indefiniteness and you can 3:07:17PM
19	most of which relate to this witness. I 3:05:26PM	19	wind this up today. 3:07:21PM
20	believe I've been, you know, pretty good 3:05:29PM	20	MR. CONNOLLY: Well, Your Honor, while 3:07:22PM
21	about getting through a lot of the topics. 3:05:33PM	21	I appreciate the Court's suggestion, I feel 3:07:24PM
22	I don't think that I've delayed or 3:05:35PM	22	beyond 90 minutes 3:07:30PM
23	procrastinated or spent much time on 3:05:37PM	23	THE COURT: You don't even have to 3:07:33PM
24	anything that would be irrelevant, and 3:05:40PM	24	comment, okay. I can't do anything else 3:07:34PM
25	there's just a lot of to go through. I 3:05:41PM	25	right now. So go ahead and make your motion 3:07:36PM
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45 (Pages 478 to 481)

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	13	223	
	Page 482		Page 484
1	GEORGE HESSE	1	PROCEEDINGS
2	if you can't resolve it. 3:07:39PM	2	CERTIFICATE
3	MR. GOODSTADT: Thank you, Your Honor. 3:07:41PM	3	
4	MR. CONNOLLY: Thank you. 3:07:42PM	4	I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public in
5	MR. NOVIKOFF: Thank you. 3:07:44PM	5	and for the State of New York, do hereby certify:
6	(Whereupon, a discussion was held off 3:07:44PM	6	THAT the witness whose testimony is hereinbefore
7	the record.) 3:07:44PM	7	set forth, was duly sworn by me; and
8	MR. GOODSTADT: After the conference 3:25:41PM	8	THAT the within transcript is a true record
9	call we had with the Court where the Court 3:25:43PM	9	of the testimony given by said witness. I further
10	suggest we try to work something out without 3:25:46PM	10	certify that I am not related, either by blood or
11	having the need to submit written motions, 3:25:49PM	11	marriage, to any of the parties to this action; and
12	we have not been able to work out an 3:25:52PM	12	THAT I am in no way interested in the outcome of
13	agreeable extension for Mr. Hesse's 3:25:56PM	13	this matter.
14	deposition. So we plan to make a motion to 3:25:58PM	14	IN WITNESS WHEREOF, I have hereunto set
15	the Court for additional time pursuant to 3:26:00PM	15	my hand this 26th day of June, 2009.
16	the Judge's directive. And I guess based on 3:26:02PM	16	J
17	what the court rules, we'll determine when 3:26:06PM	17	
18	and for how long we reconvene. 3:26:09PM	18	JUDI JOHNSON, RPR, CRR, CLR
19	MR. NOVIKOFF: Just so it's clear, you 3:26:13PM	19	vedivern teet, rain, erat, edit
20	are keeping the deposition open. 3:26:14PM	20	
21	MR. GOODSTADT: Yes. 3:26:16PM	21	
22	MR. NOVIKOFF: You're not ending it, 3:26:16PM	22	
23	and it's open subject to your application to 3:26:18PM	23	
24	Judge Boyle for additional time. And 3:26:20PM	24	
25	therefore, on behalf of the village 3:26:23PM	25	
			Page 485
	Page 483		
1	GEORGE HESSE	1	PROCEEDINGS
2	defendants, I reserve my right to question 3:26:25PM	2	INDEX
4	Mr. Hesse until such time as the deposition 3:26:28PM is officially closed either by Mr. Goodstadt 3:26:31PM	3	ATTORNEY PAGE
5	indicating such or the Court indicating that 3:26:35PM	4	By Mr. Goodstadt 309
6	Mr. Goodstadt has no additional time. 3:26:36PM	5	
7	MR. CONNOLLY: And so the record is 3:26:39PM	6	
8	clear, at this juncture, we have gone on for 3:26:41PM	7	
9	seven hours and 20 minutes. 3:26:44PM	8	
10	MR. GOODSTADT: The record will 3:26:46PM	9	INDEX OF HESSE EXHIBITS
11	reflect how long we've gone on for. 3:26:47PM	10	I.D. DESCRIPTION PAGE
12	MR. TERMINI: I would just simply 3:26:51PM	11	Exhibit 8 Bates document 4547-488 312
13	reserve any rights when it finally becomes 3:26:52PM	12	Exhibit 9 Bates document 8189 and 5326 316
14	the County of Suffolk's turn. 3:26:55PM	13	Exhibit 10 Bates document 1-25 322
15 16	(Time noted 3:26 p.m.) 3:26:59PM 3:26:59PM	14	Exhibit 11 Bates document 2750 360
17	GEORGE HESSE 3:26:59PM	15	Exhibit 12 Bates document P 925 376
18	3:26:59PM	16	Exhibit 13 Picture of writing on the wall 386
	Subscribed and sworn to before me 3:26:59PM	17	Exhibit 14 Bates Document 3180 425
19	this day of , 2009 3:26:59PM	18	Exhibit 15 Bates document 3181-3182 444
	3:26:59PM	19	Exhibit 16 Bates document 3165-3166 469
20	3:26:59PM	20	
21	3:26:59PM	21	
22		22	
23		23	
24		24	
25		25	

46 (Pages 482 to 485)

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	Page 486	
1	ERRATA SHEET	
2	NAME OF CASE: CARTER V. OCEAN BEACH	
3	DATE OF DEPOSITION: JUNE 16, 2009	
4	NAME OF WITNESS: GEORGE HESSE	
5	THE CONTRACT OF THE CONTRACT O	
6	Reason codes:	
7	1. To clarify the record.	
8	2. To conform to the facts	
9	3. To correct the transcription	
10	errors.	
11	Page Line Reason	
12	From to	
13	Page Line Reason	
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19	Page Line Reason	
20	From to	
21	Page Line Reason	
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23		
24		
0 =	GEORGE HESSE	
25		

47 (Page 486)

	13	225	
	Page 487		Page 489
	•	1	
	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	2	APPEARANCES:
	EDMADD CADTED EDAME ELODILLO	3	
	EDWARD CARTER, FRANK FIORILLO, ) KEVIN LAMM, JOSEPH NOFI and )	4	THOMPSON WIGDOR & GILLY, LLP
	THOMAS SNYDER, )	5	Attorneys for Plaintiffs
	Plaintiffs, )	6	85 Fifth Avenue
	) vs. ) CV 07 1215	7	New York, New York 10003
	)	8	BY: ANDREW S. GOODSTADT, ESQ.
	INCORPORATED VILLAGE OF OCEAN ) BEACH; MAYOR JOSEPH C. LOEFFLER)	9	D1. ANDREW 3. GOODSTAD1, ESQ.
	JR., individually and in his ) Official capacity; former Mayor)	10	MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.
	NATALIE K. ROGERS, individually)	11	Attorneys for George B. Hesse
	and in her official capacity, ) OCEAN BEACH POLICE DEPARTMENT; )	12	530 Saw Mill Road
	ACTING DEPUTY POLICE CHIEF )	13	Elmsford, New York 10523
	GEORGE B. HESSE, individually ) And in his official capacity; )	$\begin{bmatrix} 13 \\ 14 \end{bmatrix}$	•
	SUFFOLK COUNTY; SUFFOLK COUNTY ) POLICE DEPARTMENT, SUFFOLK )	15	BY: KEVIN W. CONNOLLY, ESQ.
	COUNTY DEPARTMENT OF CIVIL )		DIVIZINDADI ED. LI D
	SERVICE; and ALLISON SANCHEZ, ) Individually and in her )	16	RIVKIN RADLER, LLP
	Official capacity,	17	Attorneys for Incorporated Village of
	Defendants. )	18	Ocean Beach, Joseph Loeffler, Natalie
	)	19	Rogers and Ocean Beach Police Department
		20	926 RexCorp Plaza
	CONTINUED VIDEOTAPED DEPOSITION OF GEORGE HESSE	21	Uniondale, New York 11556
	Uniondale, New York	22	BY: KENNETH A. NOVIKOFF, ESQ.
	Thursday, August 6, 2009	23	
	Reported by: Philip Rizzuti	24	
	JOB NO. 24143	25	
	Page 488		Page 490
1		1	
2		2	APPEARANCES:
3		3	
4	August 6, 2009	4	RUDOLPH M. BAPTISTE, ESQ.
5	9:07 a.m.	5	Assistant County Attorney
6	,	6	Suffolk County, State of New York
7	Continued videotaped deposition	7	H. Lee Dennison Building, 6th Floor
8	of GEORGE HESSE, held at the offices	8	100 Veterans Memorial Highway - P.O. Box 6100
9	of Rivkin Radler, 926 Rexcorp Plaza,	9	Hauppauge, New York 11788-0099
10	Uniondale, New York, pursuant to	10	
11	subpoena, before Philip Rizzuti, a	11	ALSO PRESENT:
12	Notary Public of the State of New York	12	FRANK FIORILLO
13	Trought done of the state of frew fork	13	KEVIN LAMM
14		14	THOMAS SNYDER
15		15	JORDAN MUMMERT, Videographer
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

	13	6	
1	Page 491		Page 493
1	Hesse		Hesse
2	THE VIDEOGRAPHER: This is the	Q.	Well did the Rocket Fuels come in
3	start of the tape labeled number 1 of the	_	container?
4	continuation of the videotape deposition		They did, yes.
5	of George Hesse in the matter of Carter 09:07:56		When you say you are not so sure 09:09:23
6	and Fiorillo versus Incorporated Village		nat, what are you not sure about?
7	of Ocean Beach. The date is August 6,		Well, like selling
8	2009, the time is approximately 9:09 a.m.		-counter, taking an open container
9	We are on the record.		the bar, that is illegal to drink
10	GEORGE HESSE, called as a 09:08:12		of the in public, that is what I am 09:09:35
11	witness, having been previously duly		along those lines. But they could
12	sworn by a Notary Public, was examined	_	hol over-the-counter and by the case,
13	and testified as follows:		ottle for off premises consumption.
14 ]	EXAMINATION BY		How about a mixed drink?
	MR. GOODSTADT: 09:08:14		MR. NOVIKOFF: Objection. 09:09:51
16	Q. Good morning, Mr. Hesse.		That is alcohol.
17	A. Good morning.		They could sell that off premises?
18	Q. Thank you for coming back. I want	•	I believe so.
	to remind you that you are still under oath		What is the basis of your belief?
	from last time and that you are still sworn to 09:08:21		I believe once I looked up their 09:09:58
	tell the truth. Do you understand that?		while back, I don't recall what year
22	A. Yes.		or why, but they do they had at
23	Q. The last time we were here you had		e off premise sale license.
24 1	testified briefly about drinking Rocket Fuels		When did you look up their
	in the police station, do you recall that? 09:08:32	license?	= =
1	Page 492		Page 494
1	Page 492		Page 494
1 2	Hesse		Hesse
2	Hesse A. Uh-hum.	N	Hesse //R. NOVIKOFF: Objection.
2 3	Hesse A. Uh-hum. Q. You testified that there were	Q.	Hesse  MR. NOVIKOFF: Objection.  Do you recall what year it was?
2 3 4 1	Hesse A. Uh-hum. Q. You testified that there were times where people who worked in the bar, I	<b>Q.</b> A.	Hesse  AR. NOVIKOFF: Objection.  Do you recall what year it was?  I don't remember.
2 3 4 5	Hesse A. Uh-hum. Q. You testified that there were times where people who worked in the bar, I believe you identified Brian Easop and Paul 09:08:39	Q. A. Q.	Hesse AR. NOVIKOFF: Objection. Do you recall what year it was? I don't remember. Last time strike that. 09:10:14
2 3 4 5 6	Hesse A. Uh-hum. Q. You testified that there were times where people who worked in the bar, I believe you identified Brian Easop and Paul 09:08:39 Conway as having delivered it to the police	Q. A. Q. J	Hesse  AR. NOVIKOFF: Objection.  Do you recall what year it was?  I don't remember.  Last time strike that. 09:10:14  sust so I am clear you never wrote
2 3 4 5 6 7	Hesse A. Uh-hum. Q. You testified that there were times where people who worked in the bar, I believe you identified Brian Easop and Paul Conway as having delivered it to the police station; is that correct?	Q. A. Q. J	Hesse MR. NOVIKOFF: Objection. Do you recall what year it was? I don't remember. Last time strike that. 09:10:14 ust so I am clear you never wrote Mr. Easop or Mr. Conway a ticket for
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	13	227	
	Page 495		Page 497
1	Hesse	1	Hesse
2	Q. Do you recall testifying that that	2	to ask if it would be all right?
3	was on that next Tuesday morning?	3	A. I don't recall.
4	MR. NOVIKOFF: Objection to the	4	Q. What was Chief Paradiso's
	· ·	5	9
5	•		
6	A. Yes, I believe it was the Tuesday after the incident.	6	A. I think he thought it was a good
/		7	idea.
8	Q. What do you recall doing in	8	Q. Do you recall what he said?
9	connection with your investigation of the	9	A. No.
10	Halloween incident after taking that witness 09:11:38	10	Q. Was Pat Cherry scheduled to have a 09:13:13
11	statement?	11	tour on the days or times that he helped with
12	MR. CONNOLLY: The next step?	12	the investigation or did he come in
13	MR. GOODSTADT: Yes. I believe he	13	specifically to assist with the investigation?
14	walked us through his memory of the next	14	MR. CONNOLLY: Objection.
15	step. So I want to know what the next 09:11:49	15	MR. NOVIKOFF: Objection. 09:13:30
16	step is.	16	A. I don't recall.
17	A. I don't recall exactly what I did,	17	Q. Was he paid for his time taking
18	but I think I looked for more witnesses.	18	part in the investigation?
19	Q. How did you go about doing that?	19	A. Yes.
20	A. I believe I asked Doug Wyckoff who 09:11:57	20	Q. Cherry was not on duty Halloween 09:13:35
21	may have been there that he recalls.	21	night; is that correct?
22	Q. Do you recall who if anybody he	22	A. Correct.
23	told you may have been there?	23	Q. Did the board have to approve
24	A. Off the top of my head, no.	24	Cherry's involvement in the investigation?
25	Q. Do you recall what you did after 09:12:10	25	MR. CONNOLLY: Objection to the 09:13:48
	Page 496		Page 498
1	Hesse	1	Hesse
2	asking him that question who may have been	2	form.
3	there?	3	A. No.
4	A. I don't recall.	4	Q. Did the board approve his
5	Q. Did there come a point in time 09:12:16	5	assistance in the investigation? 09:13:53
6	where you asked Pat Cherry to assist in the	6	MR. CONNOLLY: Objection to the
7	investigation?	7	form.
8	A. Yes.	8	A. I don't know.
9	Q. When was that?	9	Q. Did you speak to anybody on the
10	A. I don't know exactly. 09:12:30	10	board prior to asking Mr. Cherry to 09:14:01
11	Q. Was it before or after the Tuesday	11	investigate?
12	morning in which you spoke with Mr. Wyckoff?	12	A. No.
13	A. I don't recall.	13	MR. NOVIKOFF: Objection to the
14	Q. How did you go about asking him;	14	form.
15	ask you see him, call him, E-mail him, some 09:12:43	15	Q. At that point in time Mr. Cherry 09:14:08
16	other form?	16	had not passed all the civil service tests; is
17	A. I believe I called him.	17	that correct?
18	Q. Why did you call him?	18	A. Correct.
19	A. Because I thought he was a good	19	Q. Did you alert anybody at civil
20	candidate to help me out. 09:12:51	20	service with respect to Cherry's strike 09:14:31
21	Q. You made the decision to appoint	21	that.
22	him to the investigation?	22	Did you alert anybody at civil
23	A. I believe I called Chief Paradiso	23	service about your decision to ask Mr. Cherry
24	and asked him if it would be all right.	24	to assist in the investigation?
25	Q. When did you call Chief Paradiso 09:12:59	25	MR. NOVIKOFF: Objection to the 09:14:42
2.0			1.11.1.1.0 (111.011. Objection to the 07.11.12

		228
	Page 499	Page 501
1	Hesse	1 Hesse
2	form.	2 Jaeger, the fax, and some notes that were
3	MR. BAPTISTE: Objection.	3 faxed to me by his wife.
4	A. No.	4 Q. Any other documentation that you
5	Q. By that point in time, that 09:14:47	5 provided to Mr. Cherry prior to him commencing 09:16:41
6	Tuesday morning, had you spoken with anybody	6 his role in the investigation?
7	on the board of trustees of Ocean Beach about	7 A. Not that I recall.
8	the Halloween incident?	8 Q. What did you explain to Mr. Cherry
9	A. Not that I recall.	9 about the assignment?
10	Q. Did you speak with the mayor prior 09:14:56	10 A. I don't recall exactly how I 09:16:53
11	to that Tuesday morning about the Halloween	11 explained it to him.
12	incident?	12 Q. Do you recall anything that you
13	MR. NOVIKOFF: Objection to the	13 explained to him?
14	form.	14 A. No.
15	A. No. Not that I recall. 09:15:04	Q. Were you ever told that one of the 09:17:02
16	Q. Who was the mayor at the time?	16 people who were involved in the altercation
17	A. Natalie Rogers.	17 with Mr. Bosetti had claimed that he was
18	Q. Did you draft a plan for an	18 afraid there was going to be a cover up, had
19	investigation prior to commencing your	19 you ever heard that?
20	investigation? 09:15:16	20 MR. NOVIKOFF: Objection. 09:17:32
21	A. No.	21 MR. CONNOLLY: At any time?
22	Q. Did you take any notes in	22 Q. At any time?
23	preparation for your investigation?	A. I don't specifically recall, no.
24	A. No. Not that I recall.	Q. And did Cherry take any did Pat
25	Q. Do you recall what day strike 09:15:26	25 Cherry take any witness statements as part of 09:17:47
	Page 500	Page 502
1		
1 2	Hesse	1 Hesse
1 2 3	Hesse that.	1 Hesse
2	Hesse that.  Did Pat Cherry ever come to the	1 Hesse 2 his role in the investigation?
2	Hesse that. Did Pat Cherry ever come to the island in connection with his assistance in	1 Hesse 2 his role in the investigation? 3 A. Yes.
2 3 4	Hesse that. Did Pat Cherry ever come to the island in connection with his assistance in	<ul> <li>Hesse</li> <li>his role in the investigation?</li> <li>A. Yes.</li> <li>Q. How many witness statements did he</li> </ul>
2 3 4 5	Hesse that. Did Pat Cherry ever come to the island in connection with his assistance in the investigation? 09:15:38	<ul> <li>Hesse</li> <li>his role in the investigation?</li> <li>A. Yes.</li> <li>Q. How many witness statements did he</li> <li>take?</li> <li>109:17:55</li> </ul>
2 3 4 5 6	Hesse that.  Did Pat Cherry ever come to the island in connection with his assistance in the investigation?  A. Yes.	<ul> <li>Hesse</li> <li>his role in the investigation?</li> <li>A. Yes.</li> <li>Q. How many witness statements did he</li> <li>take? 09:17:55</li> <li>A. Possibly three.</li> </ul>
2 3 4 5 6 7	Hesse that.  Did Pat Cherry ever come to the island in connection with his assistance in the investigation?  A. Yes.  Q. Do you recall what day or days he	1 Hesse 2 his role in the investigation? 3 A. Yes. 4 Q. How many witness statements did he 5 take? 09:17:55 6 A. Possibly three. 7 Q. Do you know whose witness
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse that.  Did Pat Cherry ever come to the island in connection with his assistance in the investigation?  A. Yes.  Q. Do you recall what day or days he came to the island to assist in the investigation?  A. I don't recall, no. 09:15:44  Q. Did you provide any documents to Mr. Cherry before he commenced his role in the investigation?  A. I believe he reviewed all the documents that we already had. 09:15:55  Q. What documents were those?  A. I believe it was, there were at least three statements that were taken by the officers that were on duty that night. There was a field report that was drafted that night 09:16:09 by Officer Snyder. And I don't know if I had any documents that I had drafted up. Any statements that I took he may have read one or two that maybe that I took at that time. And	his role in the investigation?  A. Yes.  Q. How many witness statements did he take? 09:17:55  A. Possibly three.  Q. Do you know whose witness  statements Mr. Cherry took?  A. He did Jeannie Jaeger, the victim.  He did Sean O'Rourke, and I believe he 09:18:11 interviewed Elyse Miller over the phone.  Q. Where did the interview with  Jeannie Jaeger take place?  A. At her house in Smithtown.  Q. Do you know when that interview 09:18:35 took place?  A. The statement is dated, so it would be on the date that is on the statement itself. I don't recall the actual date.  Q. Did you attend the interview? 09:18:49  A. Yes, I did.  Q. Did you ask any questions during the interview?  A. I don't recall if I did.
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		229	
	Page 503		Page 505
1	Hesse	1	Hesse
2	during the interview?	2	started hitting people with a pool stick, and
3	A. Specifically I don't really think	3	that he had fired him, and that when I come in
4	So.	4	Monday morning just figure out what happened.
5	Q. Do you recall anything that you 09:19:11	5	Q. Did he tell you where he learned 09:21:25
6	said during that interview?	6	those facts from?
7	A. No, I don't recall.	7	MR. NOVIKOFF: Objection to the
8	Q. Do you recall anything that	8	form.
9	Mr. Cherry said during that interview?	9	
10	A. Yes. In his own words I think he 09:19:18	1	A. I don't remember specifically if
		10	he did. 09:21:34
11	asked her to say in her own words what	11	Q. He told you that he fired Gary
12	happened.	12	Bosetti?
13	Q. Did he say anything else during	13	A. He told me he fired Gary Bosetti.
14	that interview?	14	Q. Did he tell you why he fired Gary
15	A. Not that I recall specifically, 09:19:27	15	Bosetti? 09:21:45
16	no.	16	A. I don't recall specifically why.
17	Q. So you don't recall if he had	17	Q. Did you have any role in the
18	asked her any questions?	18	decision to fire Gary Bosetti?
19	A. Not specifically, no.	19	A. No.
20	Q. What was Ed Paradiso's role in the 09:19:39	20	Q. Did you know about it prior to it 09:21:50
21	investigation?	21	happening?
22	A. I don't think he had a role.	22	A. No.
23	Q. He was not involved at all?	23	Q. When Mr. Cherry came in as part of
24	A. I think in the early, early stages	24	the investigation did you tell him that Gary
25	his involvement dealt with you know, to 09:19:55	25	Bosetti had been fired? 09:22:05
	Page 504		Page 506
1		1	
1	Hesse	1 2	Hesse
2	Hesse tell you the truth I don't know. I mean he	2	Hesse A. I don't recall specifically if I
2	Hesse tell you the truth I don't know. I mean he I know he spoke to Elyse Miller, he attempted	2 3	Hesse A. I don't recall specifically if I told him when he came in.
2 3 4	Hesse tell you the truth I don't know. I mean he I know he spoke to Elyse Miller, he attempted to talk to Gary Bosetti and Rich Bosetti.	2 3 4	Hesse A. I don't recall specifically if I told him when he came in. Q. How long did the investigation
2 3 4 5	Hesse tell you the truth I don't know. I mean he I know he spoke to Elyse Miller, he attempted to talk to Gary Bosetti and Rich Bosetti. Other than that he called me Sunday evening 09:20:13	2 3 4 5	Hesse A. I don't recall specifically if I told him when he came in. Q. How long did the investigation take? 09:22:15
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	Page 507		Page 509
1	Hesse	1	Hesse
2	Q. During those five days did you	2	he said and I asked him to just put a
3	speak with Kevin Lamm at all about his	3	statement together, a 42, just to tell me what
4	involvement in the incident, or his	4	happened.
5	involvement in investigating that incident? 09:23:12	5	Q. Do you recall anything that was 09:25:05
6	MR. NOVIKOFF: Objection to the	6	discussed, any of the details of what was
7	form. Foundation.	7	discussed?
8	A. Yes.	8	A. No, I don't recall the details
9	Q. When did you speak with Lamm?	9	exactly, no.
10	A. Like I stated a few weeks ago, 09:23:20	10	Q. Did you speak with Mr. Fiorillo at 09:25:13
11	when I got the phone call from Ed Paradiso	11	any other time during the five day period in
12	that he had fired Gary and that this incident	12	which it took you to investigate and reach a
13	had happened, I called Kevin Lamm on his cell	13	conclusion?
14	phone and asked him what happened.	14	MR. CONNOLLY: Objection.
15	Q. Did you speak to him at any time 09:23:38	15	A. I believe one other time, yes. 09:25:26
16	after that call that you testified to already?	16	Q. When was that?
17	A. Yes. I believe I spoke to him one	17	A. I think I saw him in person at
18	other time.	18	the at the lighthouse parking lot where we
19	Q. When was that?	19	make our relief. I believe he handed me a
20	A. I don't know the exact date. 09:23:47	20	handwritten 42. 09:25:37
21	Q. Was it in person or on the phone?	21	Q. Do you recall anything that was
22	A. On the phone I believe.	22	stated by either you or Mr. Fiorillo during
23	Q. Tell me everything that you recall	23	that during that incident in which you met
24	that was discussed between you and Mr. Lamm	24	with him at the lighthouse?
25	during that telephone conference? 09:23:57	25	A. I don't recall specifically 09:25:56
	Page 508		Page 510
1	_	1	
1 2	Hesse	1	Hesse
2	Hesse A. I don't specifically remember the	2	Hesse anything.
2	Hesse A. I don't specifically remember the contents of the phone call, but I asked him to	2 3	Hesse anything.  Q. How about generally, do you recall
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2 3 4 5	Hesse A. I don't specifically remember the contents of the phone call, but I asked him to put a 42 together, a statement regarding what he believes took place.  09:24:07	2 3 4 5	Hesse anything.  Q. How about generally, do you recall anything generally that was discussed?  A. No, not really. 09:26:01
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. I don't specifically remember the contents of the phone call, but I asked him to put a 42 together, a statement regarding what he believes took place. 09:24:07  Q. Do you recall anything else that was discussed during that call?  A. Not specifically, no. Q. Do you know whether Cherry ever spoke with Lamm as part of his role in the investigation?  A. I don't know. Q. How many times did you speak with Mr. Fiorillo in connection with the investigation?  A. Over the course of a couple of years?  Q. No, within the five day period until you reached the conclusion?  A. Like I stated with Kevin Lamm, I 09:24:39 also called Frank that Sunday, that Sunday	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse anything.  Q. How about generally, do you recall anything generally that was discussed?  A. No, not really. 09:26:01  Q. How about Mr. Snyder, how many times did you speak with him during the five day period in which you investigated and reached a conclusion?  MR. CONNOLLY: Objection. 09:26:12  A. You know what, I don't think I spoke to him at all that I can recall.  Q. Did you try to speak to him?  A. I believe I did, but I am not sure, I can't speculate. 09:26:23  Q. So you don't recall any efforts that you made to speak to Mr. Snyder?  A. I don't recall.  Q. Do you know whether Mr. Cherry spoke with Mr. Fiorillo at all? 09:26:31  A. I don't know.  Q. Do you know whether Mr. Cherry
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13	231
Page 511	Page 513
1 Hesse	1 Hesse
2 important for him to speak with either Mr.	2 MR. CONNOLLY: Objection.
Fiorillo, Mr. Lamm or Mr. Snyder in connection	3 A. They were already spoken to.
4 with his role in the investigation?	4 Q. You didn't think it was necessary
5 MR. CONNOLLY: Objection. 09:26:50	5 or important to speak with them yourself? 09:28:20
6 MR. NOVIKOFF: Objection.	6 MR. NOVIKOFF: Objection.
7 A. No.	7 MR. CONNOLLY: Objection.
8 Q. Why not?	8 A. No.
9 A. We already had statements that	9 Q. Do you believe that the on duty
10 were taken by these individuals and I asked 09:26:54	10 officers did a sufficient job in taking their 09:28:28
11 them already to write me up a 42 what they	11 statements?
12 thought happened, so there was no need to	12 MR. NOVIKOFF: Objection to the
13 speak to them further.	13 form.
14 Q. Did you speak to anybody from	14 A. No.
15 Ocean Beach Rescue who was on duty that night 09:27:07	15 <b>Q.</b> Why not? <b>09:28:34</b>
16 of the Halloween incident during your five day	16 A. They were somewhat incoherent.
17 period of investigating?	17 They were purely written.
MR. CONNOLLY: Objection.	18 Q. Did they provide any other
19 A. I don't recall.	19 statements other than the ones that they gave
Q. Did you speak with Joe Loeffler 09:27:15	20 to the three on duty officers? 09:28:59
21 during that period; when I say Joe Loeffler I	A. I believe they made some verbal
22 mean Joe Loeffler Jr.?	22 comments the next day to Paradiso.
23 A. I don't recall specifically	23 Q. How did you learn of those verbal
24 speaking to him.	24 comments?
Q. Did you speak with any of the 09:27:28	25 A. I believe when I was called that 09:29:11
Page 512	Page 514
1 Hesse	1 Hesse
2 three people who provided a witness statement	2 night by Ed Paradiso, now thinking about it,
3 to the on duty officers that night?	3 he did tell me that they came back early that
4 A. At any time?	4 Sunday morning to file a complaint I guess
5 Q. During the five day period in 09:27:39	5 against Officer Bosetti. 09:29:24
6 which you reached a conclusion as to what	6 Q. Do you know whether they actually
7 happened?	7 filed a complaint against Officer Bosetti?
8 MR. CONNOLLY: Objection.	8 A. I think it was all done verbally.
9 A. No.	9 Q. What was the basis of that belief?
Q. Did you try to speak with any of 09:27:44	10 A. I was told that by Ed Paradiso. 09:29:37
11 the three of them?	Q. Do you recall what Ed Paradiso
12 A. No.	12 told you that they stated to him that Sunday
Q. Why not?	13 morning?
14 A. I had their statements.	14 A. I believe he told them that he had
Q. You didn't have any follow up 09:27:53	15 already fired Officer Bosetti and an 09:29:47
16 questions from those statements?	16 investigation would be conducted.
17 A. No.	Q. Did he tell you anything that they
18 Q. So their statements were complete	18 stated happened at the Halloween incident?
19 in your mind?	19 A. I don't recall.
20 A. Yes. 09:28:01 21 O. Just so I am clear vou didn't deem	Q. So I believe that you testified 09:29:59
J. J. L.	that you thought that their statements were complete, is that correct, is what you
<ul><li>it necessary to speak with the other side, the</li><li>other individuals that were involved in the</li></ul>	22 complete, is that correct, is what you 23 testified to?
149 Other muryiquais that were involved in the	40 testified to:
	24 MP CONNOLLY: Objection
24 <b>fight?</b> 25 MR. NOVIKOFF: Objection. 09:28:14	24 MR. CONNOLLY: Objection. 25 A. Yes. 09:30:08

	3232
Page 515	Page 517
1 Hesse	1 Hesse
2 Q. You testified that the statements	2 Q. Did you run a background check on
3 that you read were incoherent and purely	3 any of the three of them?
4 written; correct?	4 A. I may have, I don't recall
· · · · · · · · · · · · · · · · · · ·	5 specifically. 09:32:07
	6 Q. Did you run a background check on
6 Q. So how do you reconcile those two?	7 anybody other than for the three of them in
7 A. I don't understand the question.	
8 Q. What was incoherent about the	8 connection with the investigation of the 9 Halloween incident?
9 statements?	
10 A. They just were just belligerent 09:30:21	3
11 lies from an intox person?	11 A. I don't specifically recall.
Q. And did you know that as soon as	12 Q. Why would you run a background
13 you read those statements that they were	13 check on the three of them?
14 belligerent lies from an intox person?	14 A. Because they were suspects.
A. You could tell just by reading 09:30:38	Q. When did they become suspects? 09:32:23
16 them.	16 A. Probably after I had spoken to
Q. So you didn't think it was	17 Budd Jaeger and Jeannie Jaeger.
18 important for you to further question them	18 Q. So they became suspects based on
19 after you believed what they had given as a	19 the statements of Budd Jaeger and Jeannie
20 statement were lies? 09:30:47	20 <b>Jaeger? 09:32:43</b>
21 A. No.	21 A. Yes.
22 <b>Q. Why not?</b>	22 Q. Was Gary Bosetti considered a
23 A. Because a victim came forward,	23 suspect in your mind?
24 told me what really had happened. And the	24 MR. NOVIKOFF: Objection as to
25 fact that the statements reflected the fact 09:30:59	25 timeframe. 09:32:51
Page 516	Page 518
1 Hesse	1 Hesse
2 that Gary Bosetti identified himself as a	2 Q. While you were investigating?
3 police officer led me to believe that there	3 MR. CONNOLLY: Same objection.
4 was no further questions I needed to ask these	4 MR. NOVIKOFF: Objection.
5 individuals because they already knew what 09:31:12	5 A. In the early stages I was not 09:32:56
6 they had done.	6 sure. It was possible, yes.
7 Q. What does the fact that Gary	7 Q. Did you attempt to speak with him
8 Bosetti identified himself as a police officer	8 during the five days that you were
9 lead you to that conclusion?	9 investigating?
10 A. One of the statements stated that 09:31:21	10 A. Speak with who? 09:33:06
11 Gary Bosetti who identified himself as a	1
•	
•	
7	13 five days of your investigation?
Į v	14 A. No.
15 that why did that lead you to believe that 09:31:34	15 MR. CONNOLLY: Objection. 09:33:15
1.1.C did-14 de	116 O D'd
16 you didn't need to speak with them any	16 Q. Did you attempt to speak with Rich
17 further?	17 Bosetti during the five days of your
<ul> <li>17 further?</li> <li>18 A. Because flat out they admitted</li> </ul>	Bosetti during the five days of your investigation?
<ul> <li>17 further?</li> <li>18 A. Because flat out they admitted</li> <li>19 what they had done.</li> </ul>	17 Bosetti during the five days of your 18 investigation? 19 A. No.
<ul> <li>17 further?</li> <li>18 A. Because flat out they admitted</li> <li>19 what they had done.</li> <li>20 Q. So it is your conclusion that 09:31:46</li> </ul>	17 Bosetti during the five days of your 18 investigation? 19 A. No. 20 MR. CONNOLLY: Objection. 09:33:23
17 further? 18 A. Because flat out they admitted 19 what they had done. 20 Q. So it is your conclusion that 09:31:46 21 their witness statements is an admission as to	17 Bosetti during the five days of your 18 investigation? 19 A. No. 20 MR. CONNOLLY: Objection. 09:33:23 21 Q. Did you speak with either of them
17 further? 18 A. Because flat out they admitted 19 what they had done. 20 Q. So it is your conclusion that 09:31:46 21 their witness statements is an admission as to 22 what they had done; is that your testimony?	17 Bosetti during the five days of your 18 investigation? 19 A. No. 20 MR. CONNOLLY: Objection. 09:33:23 21 Q. Did you speak with either of them 22 during those five days?
17 further?  18 A. Because flat out they admitted  19 what they had done.  20 Q. So it is your conclusion that 09:31:46  21 their witness statements is an admission as to  22 what they had done; is that your testimony?  23 MR. CONNOLLY: Objection.	17 Bosetti during the five days of your 18 investigation? 19 A. No. 20 MR. CONNOLLY: Objection. 09:33:23 21 Q. Did you speak with either of them 22 during those five days? 23 MR. CONNOLLY: Objection.
17 further? 18 A. Because flat out they admitted 19 what they had done. 20 Q. So it is your conclusion that 09:31:46 21 their witness statements is an admission as to 22 what they had done; is that your testimony?	17 Bosetti during the five days of your 18 investigation? 19 A. No. 20 MR. CONNOLLY: Objection. 09:33:23 21 Q. Did you speak with either of them 22 during those five days?

	13	233	
	Page 519		Page 521
1	Hesse	1	Hesse
2	with them?	2	A. Poor judgment maybe. I don't
3	A. Because they too in the early	3	know.
4	· · · · · · · · · · · · · · · · · · ·	4	
	stages were suspect to possibly some		Q. Was Jeannie Jaeger drinking that
5	wrongdoing. 09:33:38	5	night? 09:35:21
6	Q. Was it your policy not to speak to	6	A. I don't recall.
7	anybody who was suspect of doing wrongdoing?	7	Q. Do you know whether Cherry asked
8	A. Well I wanted to find some	8	her that as part of her interview?
9	independent witnesses to find out what had	9	A. I don't recall.
10	happened. 09:33:52	10	Q. Did you ask her that when you 09:35:28
11	Q. You didn't answer the question.	11	spoke with her?
12	The question was whether it was a policy at	12	A. I don't believe I did.
13	any time not to speak to anybody who was a	13	Q. Do you think that that was a
14	suspect of doing wrongdoing?	14	question that should have been asked as part
15	MR. CONNOLLY: Objection. 09:34:01	15	of the investigation? 09:35:40
16	MR. NOVIKOFF: Objection.	16	MR. NOVIKOFF: Objection.
17	A. I found it not necessary to speak	17	A. Not specifically, no.
18	to anybody at that time.	18	
19	Q. Do you know what the three people		Q. Do you think that if she was drunk it could have affected her judgment?
		19	ů č
20	who gave witness statements that night were 09:34:10	20	A. Being a victim, no. 09:35:49
21	drinking?	21	Q. Could it have affected her ability
22	MR. CONNOLLY: You are talking	22	to recall facts?
23	about the three	23	MR. NOVIKOFF: Objection.
24	Q. Schalik, Van Koot and Tesori. The	24	A. I don't know.
25	question was do you know what they were 09:34:29	25	Q. You don't think if she is 09:36:00
	Page 520		Page 522
1	_	1	
	Hesse		Hesse
2	Hesse drinking?	2	Hesse intoxicated it may have affected her ability
2	Hesse drinking? MR. CONNOLLY: Got it?	2 3	Hesse intoxicated it may have affected her ability to recall facts?
2 3 4	Hesse drinking? MR. CONNOLLY: Got it? A. I don't specifically recall, no.	2 3 4	Hesse intoxicated it may have affected her ability to recall facts? MR. NOVIKOFF: Objection.
2 3 4 5	Hesse drinking? MR. CONNOLLY: Got it? A. I don't specifically recall, no. Q. Do you know how many drinks they 09:34:35	2 3 4 5	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection. A. It is speculating. It is 09:36:10
2 3 4 5 6	Hesse drinking? MR. CONNOLLY: Got it? A. I don't specifically recall, no. Q. Do you know how many drinks they 09:34:35 had?	2 3 4 5 6	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection. A. It is speculating. It is 09:36:10 possible.
2 3 4 5 6 7	Hesse drinking?  MR. CONNOLLY: Got it?  A. I don't specifically recall, no.  Q. Do you know how many drinks they 09:34:35 had?  A. No.	2 3 4 5 6 7	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection.  A. It is speculating. It is 09:36:10 possible.  Q. Well as a police officer for a
2 3 4 5 6 7 8	Hesse drinking?  MR. CONNOLLY: Got it?  A. I don't specifically recall, no.  Q. Do you know how many drinks they 09:34:35 had?  A. No.  Q. What was the basis of your belief	2 3 4 5 6 7 8	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection.  A. It is speculating. It is 09:36:10 possible.  Q. Well as a police officer for a long time, in your experience as a police
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2 3 4 5 6 7 8 9 10	Hesse drinking?  MR. CONNOLLY: Got it? A. I don't specifically recall, no. Q. Do you know how many drinks they 09:34:35 had? A. No. Q. What was the basis of your belief that they were intoxicated? A. I was told by the three officers 09:34:43 that were there.	2 3 4 5 6 7 8 9 10	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection.  A. It is speculating. It is 09:36:10 possible.  Q. Well as a police officer for a long time, in your experience as a police officer do you believe that intoxicated people strike that. 09:36:26  Do you believe that intoxication
2 3 4 5 6 7 8 9 10 11	Hesse drinking?  MR. CONNOLLY: Got it?  A. I don't specifically recall, no.  Q. Do you know how many drinks they 09:34:35 had?  A. No.  Q. What was the basis of your belief that they were intoxicated?  A. I was told by the three officers 09:34:43 that were there.  Q. Which are the three officers told	2 3 4 5 6 7 8 9	Hesse intoxicated it may have affected her ability to recall facts?  MR. NOVIKOFF: Objection.  A. It is speculating. It is 09:36:10 possible.  Q. Well as a police officer for a long time, in your experience as a police officer do you believe that intoxicated people strike that. 09:36:26  Do you believe that intoxication can affect a witness' ability to recall facts?
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	<u>13</u>	234	
	Page 523		Page 525
1	Hesse	1	Hesse
2	Q. Are you aware of the injuries to	2	trachea, or disaligned trachea as a result of
3	Brian Van Koot from that night?	3	the Halloween incident?
4	A. Partially, yes.	4	MR. NOVIKOFF: Objection to the
5	Q. What do you mean by partially? 09:37:05	5	form. 09:39:44
6	A. I partially recall.	6	A. Yes, I did hear that he had a
7	Q. You partially recall now or you	7	either deviated trachea or something, what the
8	were partially aware at the time; I am not	8	EMT suspected, yes.
9	sure what you mean by partially?	9	Q. What do you mean by what the EMT
10	MR. CONNOLLY: Objection. Re-ask 09:37:19	10	suspected? 09:40:00
11	the question.	11	A. If he had a deviated trachea I
12	Q. At the time during those five days	12	doubt he would have been out of the hospital
13	were you aware of the injuries to Brian Van	13	within a couple of hours. It was a
14	Koot?	14	precautionary measure.
15	MR. CONNOLLY: Objection. If you 09:37:32	15	Q. So do you know whether he actually 09:40:10
16	understand the question.	16	suffered that injury?
17	A. I know why he went to the	17	A. I don't believe he did.
18	hospital, but I don't believe there were any	18	Q. That was on the basis of your
19	injuries sustained from what I recall.	19	understanding that he was out of the hospital
20	Q. Did you see any pictures of Brian 09:37:41	20	and came to the police station the next 09:40:19
21	Van Koot from that night?	21	morning?
22	MR. CONNOLLY: At any juncture?	22	MR. NOVIKOFF: Objection to the
23	Q. At any juncture?	23	form.
24	A. Yes.	24	A. Yes.
25	Q. When did you see those? 09:37:52	25	Q. Did you ever check to see whether 09:40:22
	Page 524		Page 526
1	Hesse	1	Hesse
2	A. I may have saw them the day I came		
3	in. I don't specifically recall.	2 3	he had actually suffered those injuries?  MR. NOVIKOFF: Objection.
4	Q. You testified that you don't	4	Foundation.
5	believe there were any injuries sustained by 09:38:10	5	A. I don't recall. 09:40:30
6	Mr. Van Koot. What did you mean by that?	6	Q. Did you ever speak strike that.
7	A. He came in the next morning and I	7	How did you know that the EMT
8	believe he was okay.	8	suspected that?
9	MR. GOODSTADT: Would you mark	9	A. I think I read it on the PCR.
10	this as Hesse Exhibit 17, photocopy of 09:38:28	10	Q. Did you ever speak with anyone who 09:40:44
11	photographs.	11	was on EMT that night about those injuries?
12	(Hesse Exhibit 17, photocopy of	12	A. I don't recall if I did.
13	photographs, marked for	13	Q. When was the first time that you
14	identification, as of this date.)	14	spoke with Joe Loeffler Jr. about the
15	Q. I placed in front of Mr. Hesse 09:38:41	15	Halloween incident? 09:40:57
16	what has now been marked as Hesse 17,	16	A. I don't recall when.
17	three-page exhibit bearing Bates numbers 3187	17	Q. Do you recall how long after those
18	through 3188, 3189.	18	five days it was?
	Mr. Hesse, are these the pictures	19	A. I don't.
19	that you saw the next morning? 09:39:14	20	Q. Joe Loeffler was part of the EMT 09:41:04
	, 20 20		that night; is that correct?
19 20 21	MR. CONNOLLY: Objection.	121	
20	MR. CONNOLLY: Objection.  A. Yes, I have seen these pictures.	21	
20 21 22	A. Yes, I have seen these pictures,	22	A. I believe he was, yes.
20 21	A. Yes, I have seen these pictures, yes.	22 23	<ul><li>A. I believe he was, yes.</li><li>Q. Did you ever hear the fact that he</li></ul>
20 21 22 23	A. Yes, I have seen these pictures,	22	A. I believe he was, yes.

1	13	235	
	Page 527		Page 529
1	Hesse	1	Hesse
2	that night?	2	A. You know I don't recall if they
3	MR. CONNOLLY: Objection.	3	were or not. I do remember seeing them. I
4	MR. NOVIKOFF: Objection.	4	don't remember when I first saw them though.
5	A. I heard a rumor about that, yes. 09:41:19	5	Q. Were there any handwritten notes 09:43:01
6	Q. Who did you hear the rumor from?	6	or notes or documents prepared by Ed Paradiso
7	A. I don't recall.	7	in that packet that you received?
8	Q. Did you ever speak with	8	A. I don't recall if there was.
9	Mr. Loeffler about that statement?	9	MR. GOODSTADT: Would you mark
10	A. I don't recall. 09:41:26	10	this document as Hesse Exhibit 18, 09:43:17
11	Q. Did you ever speak with any of the	11	incident report.
12	on duty officers that night about that	12	(Hesse Exhibit 18, incident
13	statement?	13	report, marked for identification, as
14	MR. NOVIKOFF: Objection.	14	of this date.)
15	Q. The three on duty officers that 09:41:36	15	MR. GOODSTADT: Off the record for 09:43:40
16	were on duty that night	16	one minute.
17	MR. CONNOLLY: The three officers	17	THE VIDEOGRAPHER: The time is
18	that went to the scene?	18	9:45, we are off the record.
19	MR. NOVIKOFF: Objection to the	19	(Recess taken.)
20	form. 09:41:45	20	THE VIDEOGRAPHER: The time is 09:51:48
21	Q. Yes.	21	9:53, we are on the record.
22	A. I don't recall if I did	22	Q. Mr. Hesse, I want to go back to
23	specifically.	23	your discussions with Jeannie Jaeger both on
24	Q. Do you recall specifically	24	the phone and when you went to her house with
25	speaking to anybody about that statement being 09:41:51	25	Mr. Cherry. Did you ever ask her why she 09:52:06
			· · · · · · · · · · · · · · · · · · ·
	Page 528		Page 530
1	Hesse	1	Hesse
2	made?	2	didn't provide a statement that night to the
3	MR. NOVIKOFF: Objection to the	3	on duty police officers?
4	form.	4	A. Yes, she felt that because she saw
5	A. Specifically no. 09:41:54	5	an ambulance in front of the police station, 09:52:21
6	Q. Did you review the on duty	6	that she felt that they were busy and she
7	officers field report from that evening?	7	didn't want to bother anybody.
8	A. Yes.	8	Q. Do you know where she went after
9	Q. When did you review that for the	9	Hauser's that night?
10	first time? 09:42:12	10	A. I don't recall where she went. 09:52:38
10 11	first time? 09:42:12 A. I believe it was that Monday	10 11	<ul><li>A. I don't recall where she went. 09:52:38</li><li>Q. You never heard that she went to</li></ul>
10 11 12	first time? 09:42:12  A. I believe it was that Monday morning.	10 11 12	A. I don't recall where she went. 09:52:38  Q. You never heard that she went to  CJ's after Hauser's?
10 11 12 13	first time? 09:42:12  A. I believe it was that Monday morning.  Q. And what was your reaction to	10 11 12 13	<ul> <li>A. I don't recall where she went. 09:52:38</li> <li>Q. You never heard that she went to</li> <li>CJ's after Hauser's?</li> <li>A. I don't recall. She might have.</li> </ul>
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10 11 12 13 14 15	A. I believe it was that Monday morning.  Q. And what was your reaction to reading that report?  A. I don't know if I really had a 09:42:22	10 11 12 13 14 15	A. I don't recall where she went. 09:52:38  Q. You never heard that she went to  CJ's after Hauser's?  A. I don't recall. She might have.  Q. Do you have to pass the police station to get from Hauser's to CJ's? 09:52:49
10 11 12 13 14	first time? 09:42:12  A. I believe it was that Monday morning.  Q. And what was your reaction to reading that report?	10 11 12 13 14	<ul> <li>A. I don't recall where she went. 09:52:38</li> <li>Q. You never heard that she went to</li> <li>CJ's after Hauser's?</li> <li>A. I don't recall. She might have.</li> <li>Q. Do you have to pass the police</li> </ul>
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	Page 531		Page 533
1	Hesse	1	Hesse
2	Q. Did you ask her whether the	2	Q. Would they be confidential?
3	strike that.	3	A. To a point.
4	You never spoke to her about	4	Q. What do you mean by to a point?
5	whether she was at CJ's that night after 09:53:08	5	A. They are not for the general 09:54:49
6	Hauser's?		public to look at.
7	MR. CONNOLLY: Objection.	7	Q. Were they for other officers to
8	A. I don't recall.		look at other than for you and Mr. Cherry?
9	Q. Did you ask her why she didn't	9	A. I don't think I would have hid
10	give a statement to the on duty officers at 09:53:16	-	them from anybody. 09:55:02
11	Hauser's?	11	Q. Did you leave them out for anybody
12	MR. CONNOLLY: Objection.		to look at?
13	MR. NOVIKOFF: Objection.	13	A. Not specifically that I recall.
14	A. I don't recall.	14	Q. Did you ever show them to Gary
15	Q. Do you know whether strike 09:53:24		Bosetti? 09:55:11
16	that.	16	A. Yes.
17	Did she tell you that she didn't	17	Q. When did you show them to Gary
18	want to bother anybody when she saw the		Bosetti?
19	ambulance, did she tell you that during the	19	A. I don't recall when.
20	phone call or did she tell you that during the 09:53:35	20	Q. Did you show them before or after 09:55:16
21	visit to her house?		he provided his statement?
22	A. I don't recall.	22	A. It might have been after.
23	Q. Do you know whether it was	23	Q. You don't recall showing them to
24	incorporated into her witness statement?		him before?
25	A. I don't recall if it was or not. 09:53:44	25	A. No. 09:55:24
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	Page 532		Page 534
1	Hesse	1	Hesse
1 2	Hesse <b>Q. Do you think that is an important</b>	2	Hesse Q. Would it have been improper for
	Hesse Q. Do you think that is an important fact that should be incorporated into a	2 3 <b>l</b>	Hesse  Q. Would it have been improper for him to review the other witness' statements
2	Hesse Q. Do you think that is an important fact that should be incorporated into a witness statement?	2 3 <b>l</b>	Hesse Q. Would it have been improper for him to review the other witness' statements before giving his own witness statement?
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		237	
	Page 535		Page 537
1	Hesse	1	Hesse
2	MR. CONNOLLY: Objection.	2	A. He went through people's personnel
3	A. Yeah, I don't recall whether or	3	files and took copies of that stuff too, I
4	not he did. To tell you the truth I don't	4	don't find that to be proper.
5	believe he did until afterwards. 09:56:19	5	Q. Anything else that you fired 09:57:54
6	Q. I am not asking whether he did or	6	Gerbin for?
7	didn't, I am asking whether it would have been	7	A. I believe that was it.
8	proper to have provided him with the other	8	Q. And that was you saw that on
9	witness statements prior to finding out what	9	the videotape, Gerbin taking the stuff?
10	he had to say? 09:56:28	10	A. Yes. 09:58:17
11	MR. NOVIKOFF: Note my objection.	11	Q. Did you keep a copy of that tape?
12	MR. CONNOLLY: Objection.	12	A. Yes.
13	A. I don't think it would have been	13	Q. I believe you testified that
14	proper, but like I said I don't recall whether	14	Mr. Paradiso had spoken to Elyse Miller; is
15	he did or not. I don't think he did. 09:56:40	15	that correct? 09:58:30
16	Q. Would it have been proper for him	16	MR. NOVIKOFF: Objection.
17	to just make photocopies of the statements and	17	A. Yes.
18	take them home with him?	18	
19	A. I don't	19	Q. How did you learn that he spoke with Elyse Miller?
		20	A. I believe he had stated to me that 09:58:43
20 21	3	21	
	A. I don't believe he did.		he did and Elyse Miller had said that he came
22	Q. The question wasn't whether he did	22	up to the house.
23	or didn't. The question was whether it would	23	Q. What house is that?
24	have been proper for him to do so?	24	A. I don't specifically remember.
25	MR. NOVIKOFF: Objection. 09:56:59	25	Q. You don't know so she told you 09:58:49
	D		
	Page 536		Page 538
1		1	
1 2	Hesse	1 2	Hesse
2	Hesse A. If he asked permission I don't	2	Hesse that she spoke with Ed Paradiso when he came
2	Hesse A. If he asked permission I don't think it would have been improper.	2 3	Hesse that she spoke with Ed Paradiso when he came up to the house?
2 3 4	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask	2 3 4	Hesse that she spoke with Ed Paradiso when he came up to the house? A. Yes, where she was staying that
2 3 4 5	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask permission? 09:57:05	2 3 4 5	Hesse that she spoke with Ed Paradiso when he came up to the house? A. Yes, where she was staying that night. 09:59:01
2 3 4 5 6	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask permission? 99:57:05 A. I think that would be improper.	2 3 4 5 6	Hesse that she spoke with Ed Paradiso when he came up to the house? A. Yes, where she was staying that night. 09:59:01 Q. Did she tell you which house it
2 3 4 5 6 7	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask permission? Q. I think that would be improper. Q. Would it be grounds for	2 3 4 5 6 7	Hesse that she spoke with Ed Paradiso when he came up to the house? A. Yes, where she was staying that night. 09:59:01 Q. Did she tell you which house it was?
2 3 4 5 6 7 8	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask permission? Q. I think that would be improper. Q. Would it be grounds for termination?	2 3 4 5 6	Hesse that she spoke with Ed Paradiso when he came up to the house? A. Yes, where she was staying that night. 09:59:01 Q. Did she tell you which house it was? A. If I recall correctly I think it
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2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. If he asked permission I don't think it would have been improper. Q. How about if he didn't ask permission? Q. Use a series of the grounds for termination? A. Not specifically. Q. Why not? Q. Why not? A. Why should he be; I don't know. Q. Did you terminate David Gerbin (phonetic) for making photocopies of police	2 3 4 5 6 7 8 9 10 11 12 13	Hesse that she spoke with Ed Paradiso when he came up to the house?  A. Yes, where she was staying that night. 09:59:01  Q. Did she tell you which house it was?  A. If I recall correctly I think it was Michael Miller's house on Barberry Walk.  Q. Was Gary Bosetti staying there 09:59:11 that night?  A. I don't recall. Q. Did you ever ask him?
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		238
	Page 539	Page 541
1	Hesse	1 Hesse
2	that.	2 remember her saying that then a male and a
3	What else did Mr. Paradiso tell	3 female came out of the bathroom. Next thing
4	you if anything about his discussion with	4 you know a fight broke out and her and Jeannie
5	Ms. Miller? 09:59:49	5 somehow got themselves into the bathroom to 10:01:51
6	A. I don't recall.	6 stay away from the fight. That is basically
7	Q. Do you recall anything he told you	7 what I recall. I don't remember specifics.
8	about his discussion with Ms. Miller other	8 Q. And who was who was on that
9	than the fact that he spoke with her?	9 call?
10	A. No, I don't recall. 09:59:58	10 A. I believe it was myself and John 10:02:04
11	Q. When was the first time that you	11 Cherry, Pat Cherry.
12	spoke with Elyse Miller about Halloween?	12 Q. Did you ask strike that.
13	A. I don't remember the exact date,	Do you know whether Ms. Miller was
14	but I believe it was over the telephone.	14 drinking that evening?
15	Q. Was it prior to or after your 10:00:10	15 A. I don't recall. 10:02:13
16	discussion on that Monday or on that Tuesday	16 Q. Did you ask her?
17	with Doug Wyckoff?	17 A. I don't recall.
18	A. Well, I know Officer Cherry was	18 Q. Do you think that would have been
19	present when I spoke to her on the phone	19 an important question to ask Ms. Miller?
20	because he was listening in. Actually I was 10:00:28	20 MR. NOVIKOFF: Objection. 10:02:22
21	listening in to him. So it had to be a couple	21 A. May have.
22	of days after.	22 Q. What do you mean by may have?
23	Q. So your discussion with Ms. Miller	23 A. It just may have. I think it was
24	was a couple of days after that Tuesday?	24 irrelevant, but I don't recall her if we asked
25	A. A day or two possibly, I don't 10:00:41	25 her or not. 10:02:32
23	A. A day of two possibly, I don't 10.00.41	2.5 Her of not. 10.02.32
	Page 540	Page 542
1	Page 540 Hesse	Page 542
1 2	_	1 Hesse
	Hesse	1 Hesse 2 Q. Why would it be irrelevant about
2	Hesse know.	1 Hesse 2 Q. Why would it be irrelevant about
2	Hesse know.  Q. So your recollection it was either	<ul> <li>Hesse</li> <li>Q. Why would it be irrelevant about</li> <li>whether an alleged eyewitness was drinking?</li> <li>A. Because what she told us is what</li> </ul>
2 3 4	Hesse know. Q. So your recollection it was either Wednesday or Thursday?	Hesse  Q. Why would it be irrelevant about whether an alleged eyewitness was drinking?  A. Because what she told us is what we believed happened, so. And she was not 10:02:42
2 3 4	Hesse know.  Q. So your recollection it was either Wednesday or Thursday?  A. It is possible, I don't know. 10:00:48	Hesse  Q. Why would it be irrelevant about whether an alleged eyewitness was drinking?  A. Because what she told us is what we believed happened, so. And she was not 10:02:42
2 3 4 5 6	Hesse know.  Q. So your recollection it was either Wednesday or Thursday? A. It is possible, I don't know. 10:00:48 Q. Did you call her or did she call	Hesse Q. Why would it be irrelevant about whether an alleged eyewitness was drinking? A. Because what she told us is what we believed happened, so. And she was not 10:02:42 intoxicated when we were asking her those questions.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse know.  Q. So your recollection it was either Wednesday or Thursday?  A. It is possible, I don't know. 10:00:48  Q. Did you call her or did she call you?  A. I don't remember.  Q. Tell me everything that you recall that she said about what happened on Halloween 10:01:01 during that phone call?  MR. CONNOLLY: That phone call being?  Q. The one that you testified to the first time that you spoke with her? 10:01:09  A. I think we just basically asked her what she observed, and she said she was waiting on line for the bathroom. She remembers being on line for quite a while, possibly fifteen minutes or more. She was 10:01:20 standing behind who she now knows as Jeannie Jaeger who was the first one on line. I guess	1 Hesse 2 Q. Why would it be irrelevant about 3 whether an alleged eyewitness was drinking? 4 A. Because what she told us is what 5 we believed happened, so. And she was not 10:02:42 6 intoxicated when we were asking her those 7 questions. 8 Q. But if she was intoxicated at the 9 time it could have affected her judgment? 10 A. It is possible. 10:02:55 11 Q. Could it have affected her ability 12 to recall facts? 13 MR. NOVIKOFF: Objection. 14 A. It is possible. 15 Q. Could it have affected her 10:03:06 16 perception? 17 MR. NOVIKOFF: Objection. 18 A. Sure. 19 Q. Yet you still think it is 20 irrelevant? 10:03:15 21 A. Yes. 22 Q. Did she ever provide a witness

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	Page 543		Page 545
1	Hesse	1	Hesse
2	take any notes of that phone conversation?	2	Q. Any reason to believe that it was
3	A. I don't believe we did.	3	not provided to you on that Monday?
4	Q. How come?	4	A. Say that again.
5	A. I think we just asked her to write 10:03:31	5	Q. Any reason to believe that this 10:05:44
6	down her recollection of what happened and	6	was not provided to you on that Monday?
7	send it to us.	7	A. No.
8	Q. But she had already given you a	8	Q. Was Pat Cherry assisting you by
9	verbal recollection; is that correct?	9	that Monday?
10	A. Yes. 10:03:40	10	A. You know, I don't recall if he 10:05:52
11	Q. You didn't take any notes of what	11	came in Monday, Tuesday or Wednesday.
12	she said verbally?	12	Q. How did this statement come into
13	MR. CONNOLLY: Objection.	13	the station?
14	A. I specifically didn't. I am	14	A. I believe originally it may have
15	unaware if John Cherry did, or Patrick Cherry 10:03:47	15	been faxed first and then we asked her to take 10:06:05
16	he is known as.	16	it to a notary, have it notarized and send us
17	Q. Don't you think it would have been	17	the original.
18	important to write down what she said to you	18	Q. It came to the fax machine in the
19	in case her written statement contradicted it?	19	police station?
20	A. No. 10:04:00	20	MR. CONNOLLY: Objection. 10:06:24
21	MR. GOODSTADT: Would you mark	21	A. I believe so.
22	this document as Hesse Exhibit 19,	22	Q. Did you strike that.
23	handwritten statement dated November 1,	23	Did she ever mention to you
24	2004.	24	anything about Gary Bosetti using a pool cue
25	(Hesse Exhibit 19, handwritten 10:04:09	25	to strike somebody? 10:06:40
23	(Hesse Eathor 19, handwritten 10.04.09	23	to strike somebody.
	Page 544		Page 546
1	Page 544 Hesse	1	Page 546 <b>Hesse</b>
1 2	_	1 2	
	Hesse		Hesse
2	Hesse statement dated November 1, 2004,	2	Hesse A. I don't recall if she did or not,
2	Hesse statement dated November 1, 2004, marked for identification, as of this	2 3	Hesse A. I don't recall if she did or not, I would have to read this whole thing again.
2 3 4	Hesse statement dated November 1, 2004, marked for identification, as of this date.)	2 3 4	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is
2 3 4 5	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40	2 3 4 5	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned 10:06:49
2 3 4 5 6	Hesse statement dated November 1, 2004, marked for identification, as of this date.) Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It	2 3 4 5 6	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue.
2 3 4 5 6 7	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates	2 3 4 5 6 7	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay.
2 3 4 5 6 7 8	Hesse statement dated November 1, 2004, marked for identification, as of this date.) Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.	2 3 4 5 6 7 8	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be
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2 3 4 5 6 7 8 9	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.  Mr. Hesse, do you recall ever reading or seeing the document that has been 10:05:02	2 3 4 5 6 7 8 9	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be strange that an eyewitness who allegedly saw the whole incident would leave out the fact 10:06:58
2 3 4 5 6 7 8 9 10	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.  Mr. Hesse, do you recall ever reading or seeing the document that has been 10:05:02 marked as Hesse Exhibit 19?	2 3 4 5 6 7 8 9 10	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be strange that an eyewitness who allegedly saw the whole incident would leave out the fact that Gary Bosetti used a pool cue to strike
2 3 4 5 6 7 8 9 10 11	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.  Mr. Hesse, do you recall ever reading or seeing the document that has been 10:05:02 marked as Hesse Exhibit 19?  A. Yes.	2 3 4 5 6 7 8 9 10 11	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be strange that an eyewitness who allegedly saw the whole incident would leave out the fact that Gary Bosetti used a pool cue to strike somebody?
2 3 4 5 6 7 8 9 10 11 12 13	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.  Mr. Hesse, do you recall ever reading or seeing the document that has been 10:05:02 marked as Hesse Exhibit 19?  A. Yes.  Q. This is what is this document?	2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be strange that an eyewitness who allegedly saw the whole incident would leave out the fact that Gary Bosetti used a pool cue to strike somebody?  MR. CONNOLLY: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse statement dated November 1, 2004, marked for identification, as of this date.)  Q. I placed in front of Mr. Hesse 10:04:40 what has been marked as Hesse Exhibit 19. It is a multiple page exhibit bearing Bates numbers 3169 through 3175.  Mr. Hesse, do you recall ever reading or seeing the document that has been 10:05:02 marked as Hesse Exhibit 19?  A. Yes.  Q. This is what is this document? A. This is Elyse Miller's	2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse A. I don't recall if she did or not, I would have to read this whole thing again. Q. I represent to you that there is nothing in this statement that mentioned anything about a pool cue. A. Okay. Q. Did you think that that would be strange that an eyewitness who allegedly saw the whole incident would leave out the fact that Gary Bosetti used a pool cue to strike somebody?  MR. CONNOLLY: Objection. MR. NOVIKOFF: Objection.
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	Page 547		Page 549
1	Hesse	1	Hesse
2	strange that nobody mentioned a pool cue?	2	MR. CONNOLLY: Objection.
3	MR. CONNOLLY: Objection.	3	A. Correct.
4	MR. NOVIKOFF: Objection.	4	Q. So I will go back to the same
5	A. Yes. 10:07:36	5	question. So you did make a credibility 10:09:04
6	Q. It is an important fact that was	6	assessment as to the three people who gave
7	omitted by all the eyewitness statements that	7	statements the night of the incident; correct?
8	you had taken?	8	A. If you say so, yes.
9	MR. NOVIKOFF: Objection.	9	Q. I am not asking about what I say,
10	A. Everything was done in their 10:07:45	10	I am asking about you? 10:09:16
11	words, I am not going to put words in their	11	A. I believe that they were lies.
12	mouth.	12	•
13		1	Q. Did you believe that any other
	Q. Did you weigh strike that.	13	witnesses provided any lies in their
14	Did you use the fact that nobody	14	statements?
15	mentioned Gary Bosetti using a pool cue as 10:07:55	15	A. Not that I recall, no. 10:09:32
16	part of your credibility analysis?	16	Q. So you view them as credible?
17	A. Credibility of who?	17	A. Yes.
18	MR. NOVIKOFF: Objection.	18	Q. So I will go back to the question
19	Q. Of the eyewitnesses?	19	again. You did make a credibility assessment
20	MR. NOVIKOFF: Objection. 10:08:07	20	as part of your investigation; is that 10:09:44
21	A. Their statements are their	21	correct?
22	statements.	22	MR. NOVIKOFF: Objection.
23	Q. But you had to make a credibility	23	A. At that time I don't recall.
24	assessment as to whose statements were	24	Q. And were you friends with Elyse
25	accurate and whose were not; is that correct? 10:08:15	25	Miller at the time? 10:09:59
	Page 548		Page 550
1		1	
1	Hesse	1 2	Hesse
2	Hesse A. Their statements were this	2	Hesse A. We were acquaintances.
2 3	Hesse A. Their statements were this statements.	2 3	Hesse A. We were acquaintances. Q. Was she ever a friend of yours on
2 3 4	Hesse A. Their statements were this statements. Q. Well did you make a credibility	2 3 4	Hesse A. We were acquaintances. Q. Was she ever a friend of yours on Face Book?
2 3 4 5	Hesse A. Their statements were this statements. Q. Well did you make a credibility assessment as part of your investigation? 10:08:21	2 3 4 5	Hesse A. We were acquaintances. Q. Was she ever a friend of yours on Face Book? A. Yes, at one time. 10:10:06
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. Their statements were this statements. Q. Well did you make a credibility assessment as part of your investigation? 10:08:21 A. Not that I specifically recall. Q. Well, you already testified that you thought that the three people who were involved with the fight that gave statements that night had blatant lies in their 10:08:37 statements; correct?  MR. CONNOLLY: Objection. A. That is what I felt. Q. So that was making a credibility determination about the three of them; 10:08:44 correct?  MR. NOVIKOFF: Objection. A. In your opinion, yes. Q. How about your opinion? A. I thought they were lying. 10:08:52 Q. And you didn't believe their	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. We were acquaintances. Q. Was she ever a friend of yours on Face Book? A. Yes, at one time. 10:10:06 Q. What do you mean by at one time? A. I deleted her as a friend. Q. How come? A. Because we are not friends. Q. Were you friends during the period 10:10:16 that she was a friend on Face Book? A. No. Q. So why did you delete her strike that. The reason that you deleted her is 10:10:25 because you are not friends? A. Correct. Q. So why didn't you delete her strike that? How long was she a friend of yours 10:10:32 on Face Book?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse A. Their statements were this statements. Q. Well did you make a credibility assessment as part of your investigation? 10:08:21 A. Not that I specifically recall. Q. Well, you already testified that you thought that the three people who were involved with the fight that gave statements that night had blatant lies in their 10:08:37 statements; correct?  MR. CONNOLLY: Objection. A. That is what I felt. Q. So that was making a credibility determination about the three of them; 10:08:44 correct?  MR. NOVIKOFF: Objection. A. In your opinion, yes. Q. How about your opinion? A. I thought they were lying. 10:08:52 Q. And you didn't believe their statements; right? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. We were acquaintances. Q. Was she ever a friend of yours on Face Book? A. Yes, at one time. 10:10:06 Q. What do you mean by at one time? A. I deleted her as a friend. Q. How come? A. Because we are not friends. Q. Were you friends during the period 10:10:16 that she was a friend on Face Book? A. No. Q. So why did you delete her strike that. The reason that you deleted her is 10:10:25 because you are not friends? A. Correct. Q. So why didn't you delete her strike that? How long was she a friend of yours 10:10:32 on Face Book? A. I barely had been on Face Book for a year. I just didn't find it necessary for

13	3241
Page 551	Page 553
1 Hesse	1 Hesse
2 two of you that caused you to delete her as a	2 Q. Who else was there at the time of
3 friend in Face Book?	3 the statement?
4 MR. BAPTISTE: This is a surreal	4 A. I don't recall.
5 line of questioning, but I am not 10:10:54	
6 objecting.	5 Q. What day did you take his 10:12:36 6 statement?
7 A. No.	7 A. I don't recall.
8 Q. Was she a friend of yours on your	8 Q. Do you recall, do you know whether
9 My Space account?	
10 A. You know I don't think so. 10:11:02	9 <b>Mr. Levine was drinking that evening?</b> 10 A. I don't know. 10:12:49
11 Q. Was she a friend of yours or an	
-	
1 2	
13 other social networking Internet site?	Q. Is this the same Ian Levine that
14 A. No.	14 you had worked for installing cable?
Q. Did you ask her why she didn't 10:11:21	15 A. Yes. 10:12:58
16 give a statement the night of the incident?	Q. You testified I think the first
17 A. I don't recall.	day of your deposition that he paid you in
18 Q. Did she tell you why she didn't	18 cash; is that correct?
19 give a statement the night of the incident?	19 A. Correct.
20 A. I don't recall. 10:11:30	Q. That you didn't pay taxes on that 10:13:09
Q. Did you ask her why she didn't go	21 money; right?
22 to the police station that evening?	22 A. Right.
A. I don't recall if we did or not.	23 MR. GOODSTADT: Would you mark
Q. Is it your testimony that you	24 this document as Hesse Exhibit 20,
25 don't know whether Gary Bosetti stayed at the 10:11:42	handwritten statement dated November 2, 10:13:24
Page 552	Page 554
1 Hesse	1 Hesse
2 same house as Elyse Miller that night?	2 2004.
3 A. I don't know.	3 (Hesse Exhibit 20, handwritten
4 Q. If he did do you believe that that	4 statement dated November 2, 2004,
5 would factor on her credibility at all? 10:11:53	5 marked for identification, as of this 10:13:25
6 A. No.	6 date.)
7 Q. Were they friends?	7 Q. I place in front of Mr. Hesse what
8 A. I believe they are friends.	8 is marked as Hesse Exhibit 20. It is a
9 Q. Did they have a sexual	9 two-page exhibit bearing Bates 3176 and 3177.
10 relationship? 10:12:02	10 Mr. Hesse, do you recognize the 10:13:58
11 MR. NOVIKOFF: Objection.	11 document marked as Hesse Exhibit 20?
12 A. I don't know.	1 ± ± uocument markeu as nesse eximple 20:
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	12 A. Yes.
	12 A. Yes.
13 MR. NOVIKOFF: If you are going to	12 A. Yes. 13 Q. What is this document?
MR. NOVIKOFF: If you are going to ask him did he personally witness or did	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine
13 MR. NOVIKOFF: If you are going to 14 ask him did he personally witness or did 15 Gary tell him, that is fine. 10:12:10	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 10:14:04
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 16 Q. Does this refresh your
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a sexual relationship?	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 10:14:04 16 Q. Does this refresh your 17 recollection as to whether you took his
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a sexual relationship? A. No.	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 10:14:04 16 Q. Does this refresh your 17 recollection as to whether you took his 18 statement?
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a sexual relationship? A. No. Q. Do you know whether well strike	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 10:14:04 16 Q. Does this refresh your 17 recollection as to whether you took his 18 statement? 19 A. Yes.
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a relationship? A. No. Do you know whether well strike that. 10:12:19	12 A. Yes. 13 Q. What is this document? 14 A. This is a statement by Ian Levine 15 that was taken by John Cherry. 10:14:04 16 Q. Does this refresh your 17 recollection as to whether you took his 18 statement? 19 A. Yes. 20 Q. Were you with Mr. Cherry and 10:14:12
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a sexual relationship? A. No. Q. Do you know whether well strike Did you ever take a witness	A. Yes.  Q. What is this document?  A. This is a statement by Ian Levine  that was taken by John Cherry. 10:14:04  Q. Does this refresh your  recollection as to whether you took his  statement?  A. Yes.  Q. Were you with Mr. Cherry and 10:14:12  Mr. Levine at the time that this statement was
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10  Q. Did you ever hear that they had a sexual relationship? A. No. Q. Do you know whether well strike that. 10:12:19  Did you ever take a witness statement from Ian Levine about that evening?	A. Yes.  Q. What is this document?  A. This is a statement by Ian Levine  that was taken by John Cherry. 10:14:04  Q. Does this refresh your  recollection as to whether you took his  statement?  A. Yes.  Q. Were you with Mr. Cherry and 10:14:12  Mr. Levine at the time that this statement was  provided?
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10  Q. Did you ever hear that they had a sexual relationship?  A. No. Q. Do you know whether well strike that. 10:12:19  Did you ever take a witness statement from Ian Levine about that evening? A. Yes.	A. Yes.  Q. What is this document?  A. This is a statement by Ian Levine  that was taken by John Cherry. 10:14:04  Q. Does this refresh your  recollection as to whether you took his  statement?  A. Yes.  Q. Were you with Mr. Cherry and 10:14:12  Mr. Levine at the time that this statement was  provided?  A. No.
MR. NOVIKOFF: If you are going to ask him did he personally witness or did Gary tell him, that is fine. 10:12:10 Q. Did you ever hear that they had a sexual relationship? A. No. Q. Do you know whether well strike that. 10:12:19 Did you ever take a witness statement from Ian Levine about that evening?	A. Yes.  Q. What is this document?  A. This is a statement by Ian Levine  that was taken by John Cherry. 10:14:04  Q. Does this refresh your  recollection as to whether you took his  statement?  A. Yes.  Q. Were you with Mr. Cherry and 10:14:12  Mr. Levine at the time that this statement was  provided?

	1;	3242
	Page 555	Page 557
1	Hesse	1 Hesse
2	incorrect, or did you take a separate	2 A. It was based on a lot of things.
3	statement?	3 It was based on the packaging, the amount and
4	A. You are correct, I was mistaken.	4 the paraphernalia.
5	Q. Did you review this witness 10:14:30	5 Q. When was that arrest? 10:16:11
6	statement as part of your investigation?	6 A. Good question. It was in the
7	A. Yes, at some point I did read it.	7 month of January, I don't know, 2004, 2005.
8	Q. And again you don't know if he was	8 <b>Q.</b> Was it before or after you took
9	drinking that evening?	9 his statement?
10	A. I don't know. 10:14:39	10 A. I don't know. You know what, it 10:16:26
11		
	Q. Did you take a statement of one	11 was definitely before the statement.
12	Mr. Sean O'Rourke as part of your	12 Q. So at the time the statement was
13	investigation?	13 taken you had known that he was a convicted
14	A. We did, but I did not do it	14 drug dealer; is that correct?
15	personally. 10:14:57	15 A. Yes. 10:16:40
16	Q. Who took that statement?	16 Q. What was he actually convicted
17	A. John Cherry, Pat Cherry.	17 <b>for?</b>
18	Q. Is Mr. O'Rourke who is Sean	18 MR. CONNOLLY: Objection to the
19	O'Rourke?	19 extent that we know that he was arrested
20	A. Just a local resident. 10:15:14	20 before. I don't know if it was 10:16:45
21	Q. Does he work anywhere in the	21 established that he was convicted.
22	village?	22 <b>Q. Do you know when the conviction</b>
23	MR. CONNOLLY: Now?	23 <b>was?</b>
24	Q. At the time?	24 A. I don't remember exactly what the
25	A. At the time, yes, he did a lot of 10:15:20	25 date was. 10:16:53
	Page 556	Page 558
	_	
1	Hesse	1 Hesse
2	different things.	2 Q. Was it before or after the
3	Q. Was he working the night of the	3 Halloween statement that he gave to you?
4	Halloween incident?	4 A. The conviction was possibly before
5	A. I believe he was the doorman. 10:15:26	5 this also. 10:16:58
6	Q. The doorman of where?	6 Q. What was he convicted for?
7	A. Hauser's.	7 A. You know, I don't remember the
8	Q. Did you review his witness	8 exact plea deal, what he was convicted on. I
9	statement as part of your investigation?	9 don't remember exactly.
10	A. I believe I did. 10:15:36	10 Q. But it was a drug related 10:17:09
11	Q. Was Mr. O'Rourke arrested for	11 conviction?
12	cocaine possession?	12 A. Yes.
13	A. At some point, yes.	13 Q. So at the time he gave you this
14	Q. Was he prosecuted?	14 witness statement you knew he had been
15	A. Yes, he was. 10:15:45	15 convicted of a drug related crime? 10:17:17
16	Q. Was he found guilty?	16 A. Yes.
17	A. Yes, he was.	17 Q. Did you did his statement play
18	Q. Was it just for possession or was	18 any role in your conclusion that you reached
19	there any other crimes?	19 within those five days?
20	A. It was intent to sell and 10:15:51	20 A. Did it play a role; to what 10:17:32
21	possession.	21 extent; I don't recall.
22	Q. Intent to sell was based on the	22 Q. Well did you believe his statement
23	quantity or based on the fact that he had some	23 to be credible?
24	paraphernalia for selling or what was the	24 A. Sure.
25	basis? 10:16:02	25 Q. Do you know whether Mr. O'Rourke 10:17:44
ر ک	10.10.02	Z. Do jou mion medici mir o nounc 10:17:44

13	243
Page 559	Page 561
1 Hesse	1 Hesse
2 was drinking that night?	2 place?
3 A. I don't recall.	3 A. Specifically no.
	1 2
4 Q. Did you ask him?	Q. Were you there when it happened?
5 A. I don't recall. 10:17:49	5 A. Yes. 10:19:09
6 Q. Do you know whether Mr. O'Rourke	6 Q. Where was it?
7 was doing drugs that night?	7 A. Police station.
8 A. I don't know, I didn't interview	8 Q. Who was there?
9 him, so I don't know.	9 A. John Cherry was there, but he was
10 Q. Do you know whether Mr. Cherry 10:17:56	10 sitting at the front desk, myself, Gary 10:19:16
11 asked him whether he was doing drugs that	11 Bosetti, Richie Bosetti and Ed Paradiso was in
12 night?	12 the squad room.
13 A. I don't know.	13 Q. I believe you testified that you
14 Q. Do you know whether Mr. Cherry	14 got his statement because you wanted to hear
15 asked him if he was drinking that night? 10:18:02	15 what he had to say; is that correct? 10:19:34
16 A. I don't know.	16 A. Yes.
17 Q. Do you think it would have been	17 Q. How come you did strike that.
18 important to find out whether or not a	Do you recall taking it during the
19 eyewitness was doing drugs on the night of the	19 first five days in which you reached your
20 alleged incident? 10:18:10	20 conclusions? 10:19:45
3	
A. Sure, I guess we could have asked.	22 not.
Q. Particularly after he has already	23 MR. GOODSTADT: Would you mark
24 been convicted of a drug crime?	this document as Hesse Exhibit 21,
25 MR. NOVIKOFF: Objection. 10:18:19	25 internal correspondence, November 12, 10:20:09
Page 560	Page 562
1 Hesse	1 Hesse
2 A. I didn't interview him.	2 2004.
3 Q. I am asking you whether you think	3 (Hesse Exhibit 21, internal
4 it was important to ask that question?	4 correspondence, November 12, 2004,
5 MR. NOVIKOFF: Objection. 10:18:25	5 marked for identification, as of this 10:20:10
	6 date.)
1	
	Q. I placed in Front of Mil. Hesse
8 important to ask him whether he was drinking	8 what is marked as Exhibit 21, Bates number
9 that night?	9 3158. Mr. Hesse, do you recognize this
MR. NOVIKOFF: Objection. 10:18:30	10 document? 10:20:45
A. It could have been, yes.	11 A. Yes.
Q. I believe you testified before	Q. What is this document?
13 that you got a statement from Gary Bosetti; is	13 A. Typed statement given by Gary
14 that correct?	14 Bosetti.
15 A. At some point, yes. 10:18:39	15 Q. You see it is dated November 12, 10:20:51
16 Q. When was that?	16 <b>2004, do you see that?</b>
17 A. I don't remember the exact date.	17 A. Yes.
18 Q. Was it before or after you had	18 Q. Do you know whether he provided
19 gotten the statement from Sean O'Rourke?	19 a strike that.
A. I believe it was after. 10:18:50	20 How did you receive this 10:21:01
Q. At some point was Gary rehired?	21 statement?
22 A. Yes.	22 A. I believe he did this in the
23 Q. Who rehired him?	23 police station. I think we had him come to
24 A. Ed Paradiso.	24 the station house.
25 Q. Do you recall when that took 10:18:59	25 Q. He typed it up in the police 10:21:11
r = ∨	2 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \

	13	244	
	Page 563		Page 565
1	Hesse	1	Hesse
2	station?	2	time a current police officer in the Village
3	A. I don't recall if I typed it as he	3	of Ocean Beach, do you think it was
4	said it or if he typed it himself.	4	appropriate for him to leave the island
5	Q. But to your recollection there was 10:21:19	5	without giving a statement? 10:23:08
6	no handwritten version of this from you or him	6	MR. NOVIKOFF: Objection.
7	or somebody else?	7	A. I felt it was inappropriate, and I
8	A. No.	8	felt he should have come to either myself or
9	Q. You see it is dated November 12,	9	the chief.
10	2004? 10:21:31	10	Q. Did you ever write him up for not 10:23:13
11	A. Yes.	11	doing?
12	Q. That is now just about two weeks	12	MR. NOVIKOFF: Objection.
13	after the incident?	13	A. No.
14	A. Yes.	14	Q. Did you ever discipline him for
15	Q. Why did you wait about two weeks 10:21:36	15	not doing that? 10:23:20
16	to get his statement?	16	MR. NOVIKOFF: Objection.
17	A. I don't know why.	17	A. I did talk to him about it.
18	Q. Did you ask him why he didn't give	18	Q. When did you speak to him about
19	a statement the night of the incident?	19	it?
	A. I think he was I believe I did 10:21:47	20	
20			A. I don't remember exactly. 10:23:25
21	ask him why he didn't approach one of the	21	Q. Was it before or after November
22	three officers and, you know, I remember him	22	12, 2004?
23	saying that he was dazed from the fight	23	A. I don't remember exactly, no.
	itself. That Richie attempted to Rich	24	Q. Did you memorialize the fact that
25	Bosetti, his brother, attempted to talk to the 10:22:03	25	you spoke to him about that? 10:23:37
	Page 564		Page 566
1	Hesse	1	Hesse
2	three and none of them wanted to talk to him.	2	A. No.
3	Q. Did you ask him why he didn't come	3	Q. What was your reaction when you
4	to the police station the next day to give a	4	heard that he had left the island without
5	statement? 10:22:15	5	
	A. Well, in his opinion I think he	_	giving a statement? 10:23:47  A. I don't know if I had a reaction.
6		6	
7	felt he was being railroaded	7	I don't recall.
8	MR. CONNOLLY: That is not the	8	Q. Do you know whether he was
9	question.	9	drinking that night?
10	A. So he didn't want to talk to 10:22:25	10	A. I don't know. 10:23:58
11	anybody, he left.	11	Q. Did you ever ask him?
12	Q. He left. What do you mean by he	12	A. I may have, I don't know.
13	left?	13	Q. And he took police action that
14	A. I think he left the beach.	14	night?
15	Q. As a retired 20 year veteran of 10:22:34	15	MR. NOVIKOFF: Objection. 10:24:07
16	the New York City Police Department who was	16	MR. CONNOLLY: Objection.
17	involved in an altercation, was it appropriate	17	Q. Do you believe he took police
18	that he left the beach without giving a	18	action that night?
19	statement?	19	A. In my opinion, yes.
20	MR. CONNOLLY: Objection. 10:22:48	20	Q. Was he the first officer at the 10:24:11
21	MR. NOVIKOFF: Objection.	21	scene?
22	A. He felt it was, yes.	22	
23		23	MR. NOVIKOFF: Objection.
	Q. I am not asking what he felt. I		A. He was already there.
24	am asking you whether you felt that a 20 year	24	Q. So how come he didn't make an
25	New York City veteran police officer at the 10:22:55	25	arrest that night; did you ever ask him? 10:24:23

	13	<u> </u>	
	Page 567		Page 569
1	Hesse	1	Hesse
2	A. I may have asked him, I don't	2	A. I don't specifically remember.
3	recall specifically.	3	Q. Was it before or after Gary's?
4	Q. Do you recall what his response	4	A. I don't know.
5	was? 10:24:31	5	Q. Did you ask him to provide a 10:26:23
6	A. Not specifically, no.	6	statement or did he come forward voluntarily
7	Q. Did it surprise you that he didn't	7	to do it?
8	make an arrest after what you now believe to	8	A. I believe I asked him to write
9	be the truth?	9	something up.
10	MR. NOVIKOFF: Objection. 10:24:45	10	Q. When did you ask him that? 10:26:29
11	A. Was I surprised; I wouldn't say I	11	A. I don't specifically remember.
12	was surprised.	12	Q. Do you recall approximately when
13	Q. Did you ever ask him why he left	13	it was?
14	the ocean without giving a statement?	14	A. No. I don't.
15	MR. BAPTISTE: Why he left the 10:25:07	15	Q. Do you recall what month it was? 10:26:36
16	bar or why he left	16	A. It was probably in November.
17	Q. The beach without giving a	17	Q. Why would you think that?
18	statement?	18	A. Well, the incident took place on
19	A. I don't specifically remember.	19	the 31st, preceding month is November.
20	Q. Did you ever ask him why he left 10:25:13	20	MR. GOODSTADT: Would you mark 10:27:00
21	the bar without giving a statement?	21	this document, internal correspondence,
22	MR. NOVIKOFF: Objection. Asked	22	December 10, 2004, as Hesse Exhibit 22,
23	and answered.	23	(Hesse Exhibit 22, internal
24	A. I believe he was inside the bar	24	correspondence, December 10, 2004,
25	and Rich Bosetti went out to talk to the three 10:25:23	25	marked for identification, as of this 10:27:02
23	and Nich Bosetti went out to talk to the three 10.23.23	23	marked for identification, as of this 10,27,02
	Page 568		Page 570
1	Hesse	1	Hesse
2	police officers, and they said they will take	2	date.)
3	care of it, they will do whatever,	3	Q. I placed in front of Mr. Hesse
4	specifically I don't recall.	4	what has been marked as Hesse Exhibit 22, it
5	Frank I believe it was Frank 10:25:33	5	is a multiple page exhibit bearing Bates 10:27:38
6	Fiorillo had said to Rich specifically we are	6	numbers 3200 through 3204.
7	handling it. So Richie went back into the	7	Do you recognize the exhibit that
8	bar. So I don't know why they specifically	8	has been marked as Hesse Exhibit 22?
9	didn't talk to them.	9	A. Yes.
10	Q. And by November 12th you had 10:25:44	10	Q. What is this? 10:27:54
11	already reached a conclusion as to what	11	A. Statement that I took from Rich
12	happened; correct?	12	Bosetti.
1	A. Yes.	13	Q. And the last three pages are, is
13		14	that your handwriting?
13 14	Q. By that point in time had any		
	Q. By that point in time had any other witness mentioned to you that Gary 10:25:56	15	A. Yes, that is my handwriting. 10:28:03
14			<ul><li>A. Yes, that is my handwriting. 10:28:03</li><li>Q. How come Rich Bosetti didn't sign</li></ul>
14 15	other witness mentioned to you that Gary 10:25:56	15	· · · · · · · · · · · · · · · · · · ·
14 15 16	other witness mentioned to you that Gary 10:25:56 Bosetti used a pool cue?	15 16	Q. How come Rich Bosetti didn't sign
14 15 16 17	other witness mentioned to you that Gary Bosetti used a pool cue? MR. CONNOLLY: Objection.	15 16 17	Q. How come Rich Bosetti didn't sign the statement, the last three page written
14 15 16 17 18	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.	15 16 17 18	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall.
14 15 16 17 18 19	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.  A. I don't believe any witness came 10:26:03	15 16 17 18 19	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall.  Q. Do you usually have a witness sign 10:28:11
14 15 16 17 18 19 20	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.  A. I don't believe any witness came 10:26:03 forward and said anything about a pool cue.	15 16 17 18 19 20	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall.  Q. Do you usually have a witness sign 10:28:11 a statement that they give?
14 15 16 17 18 19 20 21	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.  A. I don't believe any witness came 10:26:03	15 16 17 18 19 20 21	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall. Q. Do you usually have a witness sign 10:28:11 a statement that they give?  A. Always, yes.
14 15 16 17 18 19 20 21 22	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.  A. I don't believe any witness came 10:26:03 forward and said anything about a pool cue.  Q. Did you ever take a statement from	15 16 17 18 19 20 21 22 23	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall. Q. Do you usually have a witness sign 10:28:11 a statement that they give?  A. Always, yes. Q. Do you know whether he actually
14 15 16 17 18 19 20 21 22 23	other witness mentioned to you that Gary Bosetti used a pool cue?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection to the form.  A. I don't believe any witness came 10:26:03 forward and said anything about a pool cue.  Q. Did you ever take a statement from Richard Bosetti?	15 16 17 18 19 20 21 22	Q. How come Rich Bosetti didn't sign the statement, the last three page written statement?  A. I don't recall. Q. Do you usually have a witness sign 10:28:11 a statement that they give?  A. Always, yes.

		3246
	Page 571	Page 573
1	Hesse	1 Hesse
2	recall.	2 A. I don't recall.
3	Q. Who typed the first two pages?	3 Q. I believe you testified before
4	A. I think I went back and I typed it	4 about asking the on duty officers that evening
5	up after I wrote it. 10:28:32	5 to put together 42's; is that correct? 10:30:17
6	Q. Why would you type it up?	6 MR. CONNOLLY: Objection. Do you
7	A. Just so it was easier to read, no	7 mean the officers who were on the scene?
8	other reason.	8 Q. Who were on duty that night?
9	Q. You see the date, December 10,	9 MR. CONNOLLY: We have not
10	2004? 10:28:42	established there were any other officers 10:30:28
11	A. Yes.	on duty. I know you are making reference
12	Q. Does that now refresh your	to the three officers that went to the
13		13 scene.
14	recollection as to when you took Rich Bosetti's statement?	14 MR. GOODSTADT: I will rephrase.
		_
15	A. Not specifically, no. 10:28:46	
16	Q. Any reason to believe it was not	<ul> <li>witness testified today that he asked</li> <li>Mr. Lamm and Mr. Fiorillo for 42's. I</li> </ul>
17	December 10, 2004?	
18	A. No.	don't believe he made any reference to a
19	Q. Why would you wait six weeks to	19 42 for Mr. Snyder.
20	take a statement? 10:28:55	Q. So did you ask Mr. Fiorillo to 10:30:48
21	MR. NOVIKOFF: Almost six weeks.	21 provide a 42?
22	Q. Approximately six weeks.	22 A. Yes.
23	MR. CONNOLLY: Objection to the	23 <b>Q. A 42 is what?</b>
24	form. You can answer.	24 A. Just a memo.
25	A. I don't specifically recall why. 10:29:03	25 <b>Q.</b> Did you ask Lamm to provide a 42? 10:30:54
	Page 572	Page 574
		rage 3/4
1		
1	Hesse	1 Hesse
2	Hesse Q. Do you think that six week time	1 Hesse 2 A. Yes.
2 3	Hesse Q. Do you think that six week time lapse could affect his ability to recall the	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a
2 3 4	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night?	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42?
2 3 4 5	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14	<ol> <li>Hesse</li> <li>A. Yes.</li> <li>Q. Did you ask Snyder to provide a</li> <li>4 42?</li> <li>A. At some point I did. 10:31:01</li> </ol>
2 3 4 5 6	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked
2 3 4 5 6 7	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night?	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42?
2 3 4 5 6 7 8	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall.
2 3 4 5 6 7 8 9	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember.	<ul> <li>Hesse</li> <li>A. Yes.</li> <li>Q. Did you ask Snyder to provide a</li> <li>4 42?</li> <li>A. At some point I did. 10:31:01</li> <li>Q. Do you recall when you asked</li> <li>Snyder to provide a 42?</li> <li>A. I don't recall.</li> <li>Q. Is it possible that it was October</li> </ul>
2 3 4 5 6 7 8 9	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall. 9 Q. Is it possible that it was October 10 31st that you asked him to provide a 42? 10:31:09
2 3 4 5 6 7 8 9 10	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was drinking that night?	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall. 9 Q. Is it possible that it was October 10 31st that you asked him to provide a 42? 10:31:09 11 MR. NOVIKOFF: Objection.
2 3 4 5 6 7 8 9 10 11	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was drinking that night? A. I don't know.	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall. 9 Q. Is it possible that it was October 10 31st that you asked him to provide a 42? 10:31:09 11 MR. NOVIKOFF: Objection. 12 A. I don't think so.
2 3 4 5 6 7 8 9 10 11 12 13	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was drinking that night? A. I don't know. Q. Do you think it would have been	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall. 9 Q. Is it possible that it was October 10 31st that you asked him to provide a 42? 10:31:09 11 MR. NOVIKOFF: Objection. 12 A. I don't think so. 13 Q. When was the first time that you
2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was drinking that night? A. I don't know. Q. Do you think it would have been important to ask him?	1 Hesse 2 A. Yes. 3 Q. Did you ask Snyder to provide a 4 42? 5 A. At some point I did. 10:31:01 6 Q. Do you recall when you asked 7 Snyder to provide a 42? 8 A. I don't recall. 9 Q. Is it possible that it was October 10 31st that you asked him to provide a 42? 10:31:09 11 MR. NOVIKOFF: Objection. 12 A. I don't think so. 13 Q. When was the first time that you 14 recall speaking to Snyder about the Halloween
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October Q. Is it possible that it was October MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him?  MR. CONNOLLY: Objection. 10:29:26 A. Sure.	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October A. I don't think so. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October A. I don't recall when you asked him to provide a 42? 10:31:09 MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October A. I don't think so. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night?	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him?  MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night? A. I don't recall if I did. 10:29:48	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October A. I don't think so. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't. Q. Do you recall when Snyder provided 10:31:25
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night? A. I don't recall if I did. 10:29:48 Q. Do you know how Rich Bosetti got off the island that next morning?	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October A. I don't think so. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't. Q. Do you recall when Snyder provided 10:31:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night? A. I don't recall if I did. 10:29:48 Q. Do you know how Rich Bosetti got	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't. Q. Do you recall when Snyder provided 10:31:25 his 42?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse Q. Do you think that six week time lapse could affect his ability to recall the events that night? A. It could have. 10:29:14 Q. Did you ask him whether he was drinking that night? A. Not specifically, I don't remember. Q. Do you know whether he was 10:29:20 drinking that night? A. I don't know. Q. Do you think it would have been important to ask him? MR. CONNOLLY: Objection. 10:29:26 A. Sure. Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night? A. I don't recall if I did. 10:29:48 Q. Do you know how Rich Bosetti got off the island that next morning?	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't. Q. Do you recall when Snyder provided 10:31:25 his 42? A. I don't.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you think that six week time lapse could affect his ability to recall the events that night?  A. It could have. 10:29:14  Q. Did you ask him whether he was drinking that night?  A. Not specifically, I don't remember.  Q. Do you know whether he was 10:29:20 drinking that night?  A. I don't know.  Q. Do you think it would have been important to ask him?  MR. CONNOLLY: Objection. 10:29:26  A. Sure.  Q. Did you ask Rich Bosetti if he tried to get any statements from any eyewitnesses that night?  A. I don't recall if I did. 10:29:48  Q. Do you know how Rich Bosetti got off the island that next morning?  A. I don't recall.	Hesse A. Yes. Q. Did you ask Snyder to provide a 4 42? A. At some point I did. 10:31:01 Q. Do you recall when you asked Snyder to provide a 42? A. I don't recall. Q. Is it possible that it was October MR. NOVIKOFF: Objection. A. I don't think so. Q. When was the first time that you recall speaking to Snyder about the Halloween incident? 10:31:25 A. I don't recall. Q. Do you recall approximately how many days after the event? A. No, I don't. Q. Do you recall when Snyder provided 10:31:25 his 42? A. I don't. Q. Do you recall how Snyder provided his 42?

	13	247	
	Page 575		Page 577
1	Hesse	1	Hesse
2	Q. Do you recall how you received it?	2	A. I don't recall specifically, but
3	A. I don't know. I don't know if it	3	that came up a couple of times. I don't know
4	was by E-mail or if he faxed it.	4	when specifically though.
5	Q. Do you recall whether was it 10:31:47	5	Q. Who brought it up? 10:33:39
6	handwritten or typed?	6	A. I don't remember specifically.
7	A. My best recollection is it was	7	Q. Do you remember when you learned
8	typed.	8	of that allegation?
9	Q. Did you ever receive the 42 from	9	A. No, I think it was a rumor that
10	Lamm? 10:31:58	10	was just circulating. 10:33:49
11	A. Yes.	11	Q. Did you learn that rumor during
12	Q. Do you recall when that was	12	the five days in which you reached your
13	received?	13	conclusion?
14	A. I don't recall, no.	14	MR. CONNOLLY: Objection.
15	Q. Did you ever receive a 42 from Mr. 10:32:02	15	A. I don't recall. 10:33:57
16	Fiorillo?	16	MR. GOODSTADT: Would you mark
17	A. Yes.	17	this document as Hesse Exhibit 23,
18	Q. Do you recall how that was	18	typewritten document dated 11/5/04 to
19	received by you?	19	George Hesse.
20	A. Like I stated earlier I believe he 10:32:10	20	(Hesse Exhibit 23, typewritten 10:34:24
21	handed me a handwritten 42.	21	document dated 11/5/04 to George Hesse,
22	Q. Why did you ask them for 42's?	22	marked for identification, as of this
23	A. I just wanted to see what their	23	date.)
24	recollection of the night was.	24	Q. I place in front of Mr. Hesse what
25	Q. I believe you testified that prior 10:32:31	25	has been marked as Hesse Exhibit 23, a 10:35:01
	Page 576		Page 578
1	Hesse	1	Hesse
2	to asking for the 42 you discussed the	2	three-page exhibit bearing Bates numbers
3	incident with Mr. Fiorillo and Mr. Lamm on the	3	3196, 3197 and 3198.
4	telephone; is that correct?	4	Mr. Hesse, do you recognize the
5	A. Yes. 10:32:43	5	document marked as Hesse Exhibit 23? 10:35:13
6	Q. Do you recall whether you spoke	6	A. Yes.
7	with Mr. Snyder at all about Halloween before	7	Q. What is this document?
8	getting his 42?	8	A. This is the statement or 42 from
9	A. I must have if I asked for his 42.	9	Thomas Snyder to me.
10	I don't specifically specifically I don't 10:32:57	10	Q. Dated 11/5/04? 10:35:26
11	recall.	11	A. Yes.
12	Q. Did he tell you that Richard	12	Q. Do you recall if you actually
13	Bosetti refused to answer questions that	13	received it on 11/5/04?
14	evening?	14	A. The fax is showing it is
15	A. I don't recall. 10:33:06	15	11/6/2004. 10:35:42
16	Q. Did he tell you that the people	16	Q. Do you recall if that is the date
17	who came to the station that night, Schalik,	17	that you received it?
18	Tesori or Van Koot claimed that they thought	18	A. I don't recall, no.
1 ^	ing incident was going to be covered in?	19	Q. Does this did you speak with
19	the incident was going to be covered up?		Snyder before he provided the 42? 10:35:50
20	MR. NOVIKOFF: Objection. 10:33:28	20	•
20 21	MR. NOVIKOFF: Objection. 10:33:28 MR. CONNOLLY: Objection as to	21	A. I don't recall specifically. I
20 21 22	MR. NOVIKOFF: Objection. 10:33:28 MR. CONNOLLY: Objection as to timeframe.	21 22	A. I don't recall specifically. I believe I did though.
20 21 22 23	MR. NOVIKOFF: Objection. 10:33:28 MR. CONNOLLY: Objection as to timeframe.  Q. At any point in time?	21 22 23	A. I don't recall specifically. I believe I did though.  Q. You had asked him to provide it,
20 21 22	MR. NOVIKOFF: Objection. 10:33:28 MR. CONNOLLY: Objection as to timeframe.	21 22	A. I don't recall specifically. I believe I did though.

Page 579  Hesse MR. NOVIKOFF: Objection. Without Stelling him what to testify to, I would presume that he has testified that he saked for a 42 of Snyder, that he had to 10:36:08 have at least had a conversation as to that.  MR. CONNOLLY: I believe he  Hesse MR. NOVIKOFF: Ob MR. NOVIKOFF: Ob MR. CONNOLLY: O  A. I had no reason to bel not.  Q. Did you believe that was not telling the truth in h  MR. CONNOLLY: O  MR. CONNOLLY: O	Page 581
MR. NOVIKOFF: Objection. Without  Itelling him what to testify to, I would presume that he has testified that he asked for a 42 of Snyder, that he had to 10:36:08 have at least had a conversation as to that.  MR. NOVIKOFF: Objection. Without  MR. NOVIKOFF: Objection. Without  MR. CONNOLLY: O  MR. NOVIKOFF: Objection. Without  A. I had no reason to belonot.  O. Did you believe that  was not telling the truth in homal management.  MR. CONNOLLY: O  MR. NOVIKOFF: Objection. Without  MR. CONNOLLY: O  MR. CONNOLLY: O	
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presume that he has testified that he asked for a 42 of Snyder, that he had to 10:36:08 asked for a 42 of Snyder, that he had to 10:36:08 5 not.  have at least had a conversation as to that.  MR. CONNOLLY: I believe he 8 MR. CONNOLLY: O	
<ul> <li>asked for a 42 of Snyder, that he had to 10:36:08</li> <li>have at least had a conversation as to</li> <li>that.</li> <li>MR. CONNOLLY: I believe he</li> <li>not.</li> <li>Q. Did you believe that</li> <li>was not telling the truth in h</li> <li>MR. CONNOLLY: O</li> </ul>	
6 have at least had a conversation as to 7 that. 8 MR. CONNOLLY: I believe he 6 Q. Did you believe that 7 was not telling the truth in h 8 MR. CONNOLLY: O	
7 that. 7 was not telling the truth in h 8 MR. CONNOLLY: I believe he 8 MR. CONNOLLY: O	10:37:49
8 MR. CONNOLLY: I believe he 8 MR. CONNOLLY: O	•
9 actually testified to that. 9 MR. NOVIKOFF: Ob	
10 MR. GOODSTADT: I believe he also 10:36:16   10 A. No.	10:37:59
testified that he didn't speak to Snyder   11	Mr. Snyder
12 during the five days. I wanted to 12 was corrupt based on this sta	atement?
13 refresh his recollection. I want to get 13 A. No.	
14 a time line. 14 Q. Did you speak to hir	n at all about
15 Q. Does this refresh your 10:36:24 15 his statement?	10:38:07
16 recollection as to whether you spoke with Mr. 16 A. I don't specifically recollection	call.
17 Snyder during the five day interval in which 17 Q. Do you recall telling	
18 you reached your conclusions? 18 that there were discrepancie	· ·
19 A. No. 19 and Richard Bosetti had stat	
MR. NOVIKOFF: Also let the record 10:36:35 20 A. I don't specifically rec	
21 reflect that I think his testimony wasn't 21 Q. So you don't recall of	
22 five days, I think he believes it was 22 other?	me way or the
23 around five days. 23 A. No.	
24 <b>Q. Does this refresh your</b> 24 MR. NOVIKOFF: Wh	on did Posetti
25 recollection strike that. 10:36:47   25 provide this statement; objection strike that.	
Page 580	Page 582
1 Hesse 1 Hesse	
2 Sitting here now do you recall 2 last question because I think E	Bosetti
3 anything that was discussed between you and 3 provided it after this. Foundate	tion
4 Mr. Snyder other than for asking him to 4 objection.	
5 provide a 42? 10:36:57 5 Q. Do you ever recall telli	ing Mr. 10:38:37
6 A. I don't recall. 6 Snyder that there were discrep	ancies between
7 Q. Do you recall telling him that Joe 7 what his statement said and wl	iat Mir. Doscui
7 Q. Do you recall telling him that Joe 7 what his statement said and wl	lat Mi. Dosetti
7 Q. Do you recall telling him that Joe 7 what his statement said and wl	
7 Q. Do you recall telling him that Joe 8 Loeffler wanted you to turn around the 9 investigation? 7 what his statement said and wl 8 claimed? 9 MR. CONNOLLY: At an	
7 Q. Do you recall telling him that Joe 8 Loeffler wanted you to turn around the 9 investigation? 10 A. No. 10:37:05  7 what his statement said and wlength and wl	ny time? 10:38:47
7	ny time? 10:38:47
7 What his statement said and wl 8 Loeffler wanted you to turn around the 9 investigation? 10 A. No. 10:37:05 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 7 what his statement said and wl 8 claimed? 9 MR. CONNOLLY: At an 10 Q. Yes. 11 A. I specifically don't recall 12 Q. You don't recall one w	ny time? 10:38:47
7 What his statement said and wl 8 Loeffler wanted you to turn around the 9 investigation? 10 A. No. 10:37:05 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 7 what his statement said and wl 8 claimed? 9 MR. CONNOLLY: At an 10 Q. Yes. 11 A. I specifically don't recall 12 Q. You don't recall one wl 13 other?	ny time? 10:38:47
7 what his statement said and wlast loe 8 Loeffler wanted you to turn around the 9 investigation? 9 MR. CONNOLLY: At an 10:37:05 10 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 7 what his statement said and wlast look and wlast look around the 8 claimed? 9 MR. CONNOLLY: At an 10:37:05 10 Q. Yes. 11 A. I specifically don't recall 12 Q. You don't recall one with a 13 other? 14 A. No.	ny time? 10:38:47 ay or the
7 What his statement said and what Loeffler wanted you to turn around the 9 investigation? 9 MR. CONNOLLY: At an 10 A. No. 10:37:05 10 Q. Yes.  11 Q. Do you recall telling Tom Snyder 11 A. I specifically don't recall that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42?  15 MR. NOVIKOFF: Objection. 10:37:17 15 Q. Do you recall speaking	ny time? 10:38:47 . ay or the 3 to Ed 10:38:51
7 what his statement said and what Loeffler wanted you to turn around the 9 investigation? 9 MR. CONNOLLY: At an 10 A. No. 10:37:05 10 Q. Yes. 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 15 MR. NOVIKOFF: Objection. 10:37:17 A. I don't recall speaking 16 A. I don't recall. 10:37:17 Logo Tomps Snyder's 10 Carter about Tommy Snyder's 11 A. I don't recall speaking 12 Q. Do you recall speaking 14 A. I don't recall speaking 15 Carter about Tommy Snyder's 16 Carter about Tommy Snyder's 16 Carter about Tommy Snyder's 17 A. I don't recall telling him that Joe What his statement said and what he statement said	ny time? 10:38:47 . ay or the 3 to Ed 10:38:51
7	ny time? 10:38:47 ay or the 3 to Ed 10:38:51 5 statement?
7 What his statement said and will be claimed? 9 investigation? 9 MR. CONNOLLY: At an 10:37:05 10 Q. Yes. 11 Q. Do you recall telling Tom Snyder 11 A. I specifically don't recall that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 14 A. No. 15 MR. NOVIKOFF: Objection. 10:37:17 15 Q. Do you recall speaking A. I don't recall. 16 Carter about Tommy Snyder's Q. What was your reaction when you 18 received Mr. Snyder's statement? 18 Q. You don't recall one will be claimed? 9 MR. CONNOLLY: At an 10 Q. Yes. 11 A. I specifically don't recall that you were going to wrap up the 12 Q. You don't recall one will be claimed? 14 A. I specifically don't recall one will be claimed? 15 Q. You don't recall one will be claimed? 16 Carter about Tommy Snyder's A. No. 18 Q. You don't recall one will be claimed?	ny time? 10:38:47 ay or the 3 to Ed 10:38:51 5 statement?
7    Q. Do you recall telling him that Joe   8    Loeffler wanted you to turn around the   9    investigation?   9    MR. CONNOLLY: At an   10    A. No.   10:37:05   10   Q. Yes.   11   A. I specifically don't recall   12    that you were going to wrap up the   12   Q. You don't recall one we   13    investigation on the day that he faxed in his   13    other?   14    A. No.   15    MR. NOVIKOFF: Objection.   10:37:17   15   Q. Do you recall speaking   16    A. I don't recall.   16    Carter about Tommy Snyder's   17    A. No.   18    received Mr. Snyder's statement?   19    MR. CONNOLLY: Objection.   19    other?   19    other?   10    Othe	ny time? 10:38:47 . ay or the g to Ed 10:38:51 s statement? ay or the
7 Q. Do you recall telling him that Joe 8 Loeffler wanted you to turn around the 9 investigation? 10 A. No. 10:37:05 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 15 MR. NOVIKOFF: Objection. 10:37:17 16 A. I don't recall. 17 Q. What was your reaction when you 18 received Mr. Snyder's statement? 19 MR. CONNOLLY: At an old and what his statement said and what his claimed? 9 MR. CONNOLLY: At an old and what his claimed? 10 Q. Yes. 11 A. I specifically don't recall one when? 12 Q. You don't recall one when? 13 other? 14 A. No. 15 Q. Do you recall speaking 16 Carter about Tommy Snyder's old and what his statement said and what his claimed? 11 A. I specifically don't recall one when? 12 Q. You don't recall one when? 13 other? 14 A. No. 15 Q. Do you recall speaking 16 Carter about Tommy Snyder's old and what his statement said and what his claimed? 16 Q. You don't recall one when you other? 17 A. No. 18 Q. You don't recall one when? 19 other? 20 A. No.	ny time? 10:38:47 ay or the  3 to Ed
7  Q. Do you recall telling him that Joe 8  Loeffler wanted you to turn around the 9  investigation? 9  MR. CONNOLLY: At an 10:37:05 10 Q. Yes. 11 Q. Do you recall telling Tom Snyder 12  that you were going to wrap up the 12 Q. You don't recall one will investigation on the day that he faxed in his 13 other? 14  42? 15  MR. NOVIKOFF: Objection. 10:37:17 A. No. 16 A. I don't recall. 16 Carter about Tommy Snyder's Q. What was your reaction when you 17 A. No. 18  received Mr. Snyder's statement? 19  MR. CONNOLLY: Objection. 20  MR. NOVIKOFF: If any. 10:37:34 20 A. No. 21 Q. If any? 20  A. No. 21 Q. You don't recall telling Tom Snyder's what his statement said and will a claimed? 9  MR. CONNOLLY: At an 10:37:05 10 Q. Yes. 11 A. I specifically don't recall one will a claimed? 9  MR. CONNOLLY: At an 10:37:17 A. No. 12 Q. You don't recall one will a claimed? 9  MR. CONNOLLY: Objection. 10:37:34 20 A. No. 21 Q. You don't recall telling Tom Snyder's 10:37:34 Q. You don't recall telling 10:37:37 Q. You do	ny time? 10:38:47 ay or the 3 to Ed 10:38:51 3 statement? ay or the 10:38:59
7 What his statement said and what loe 8 Loeffler wanted you to turn around the 9 investigation? 9 MR. CONNOLLY: At an 10:37:05 10 Q. Yes. 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 15 MR. NOVIKOFF: Objection. 10:37:17 15 Q. Do you recall speaking 16 A. I don't recall. 16 Carter about Tommy Snyder's Q. What was your reaction when you 17 A. No. 18 received Mr. Snyder's statement? 19 MR. CONNOLLY: Objection. 10:37:34 20 A. No. 21 Q. If any? 22 A. I don't recall having any 22 Mr. Carter that Tommy Snyder's snyder that Joe what his statement said and what he claimed? 9 MR. CONNOLLY: At an 20 A. What his statement said and what he claimed? 9 MR. CONNOLLY: At an 20 A. No. 110:37:05 10 Q. Yes. 110 Q. You don't recall one what his statement said and what he claimed? 9 MR. CONNOLLY: At an 20 A. No. 12 Q. You don't recall telling 20 A. No. 21 Q. You don't recall telling 20 Ar. Carter that Tommy Snyder S	ny time? 10:38:47 ay or the statement? ay or the 10:38:59 gr needed to protect
7 Q. Do you recall telling him that Joe 8 Loeffler wanted you to turn around the 9 investigation? 10 A. No. 10:37:05 11 Q. Do you recall telling Tom Snyder 12 that you were going to wrap up the 13 investigation on the day that he faxed in his 14 42? 15 MR. NOVIKOFF: Objection. 10:37:17 16 A. I don't recall. 17 Q. What was your reaction when you 18 received Mr. Snyder's statement? 19 MR. CONNOLLY: Objection. 20 MR. NOVIKOFF: If any. 10:37:34 21 Q. If any? 22 A. I don't recall having any 23 reaction.  7 what his statement said and what he claimed? 9 MR. CONNOLLY: At an A. I. and A.	ny time? 10:38:47 ay or the statement? ay or the 10:38:59 gr needed to protect
7  Q. Do you recall telling him that Joe 8  Loeffler wanted you to turn around the 9  investigation? 10  A. No. 10:37:05 11  Q. Do you recall telling Tom Snyder 12  that you were going to wrap up the 13  investigation on the day that he faxed in his 14  42? 15  MR. NOVIKOFF: Objection. 10:37:17 16  A. I don't recall. 17  Q. What was your reaction when you 18  received Mr. Snyder's statement? 19  MR. CONNOLLY: At an A. I specifically don't recall one with the faxed in his 16  A. I don't recall. 17  Q. What was your reaction when you 18  received Mr. Snyder's statement? 19  MR. CONNOLLY: Objection. 10:37:17 18  Q. Do you recall speaking 19  Carter about Tommy Snyder's 10  Q. You don't recall one with the faxed in his 11  A. No. 12  Q. You don't recall one with the faxed in his 13  other? 14  A. No. 15  Q. Do you recall speaking 16  Carter about Tommy Snyder's 17  A. No. 18  Q. You don't recall one with the faxed in his 19  A. No. 20  A. No. 21  Q. If any? 22  A. I don't recall having any 23  Mr. Carter that Tommy Snyder's 24  Mr. Carter that Tommy Snyder's	ny time? 10:38:47 ay or the  g to Ed 10:38:51 s statement? ay or the 10:38:59 g er needed to protect ctims?

		249	
	Page 583		Page 585
1	Hesse	1	Hesse
2	Fiorillo that Tommy Snyder needed to protect	2	MR. BAPTISTE: Objection.
3	the Bosetti's rather than the victims?	3	MR. CONNOLLY: Objection.
4	MR. NOVIKOFF: Objection.	4	MR. NOVIKOFF: Just read back the
5	A. No. 10:39:27	5	question. I want to see if I have a 10:41:20
6	Q. Isn't it true that you told	6	basis to object.
7	Mr. Carter that Snyder's report made you sick?	7	(Record read.)
8	A. No.	8	MR. NOVIKOFF: Actually that is
9	Q. Isn't it true that strike that.	9	one of your few good questions, I have no
10	Did Frank Fiorillo how did Frank Fiorillo 10:39:39	10	objection. 10:41:47
11	provide his statement to you?	11	A. No.
12	A. For the third time he handed it to	12	Q. Do you know whether Tom Snyder
13	me.	13	ever spoke with anyone at the District
14	Q. Where was that?	14	Attorney's office about the Halloween
15	A. It was at the checkpoint at the 10:39:48	15	incident? 10:41:59
16	lighthouse.	16	MR. CONNOLLY: At any time?
17	Q. Isn't it true that when he handed	17	Q. At any time?
18	it to you that you told Mr. Fiorillo that	18	MR. CONNOLLY: Does he know?
19	Tommy Snyder's report made you sick?	19	Q. Do you know whether Tom Snyder
20	A. No. 10:40:00	20	ever spoke to anybody at the District 10:42:05
21	Q. Isn't it true that you told him	21	Attorney's office about the Halloween
22	that Tommy Snyder's 42 was a piece of shit?	22	incident?
23	A. No.	23	MR. CONNOLLY: Does he have
24	MR. NOVIKOFF: Objection.	24	personal knowledge?
25	Q. Isn't it true that you told them 10:40:07	25	MR. GOODSTADT: Did he ever learn 10:42:13
	<u> </u>	-	
	Page 584		Page 586
1	Hesse	1	Hesse
2	that that you told Mr. Carter and Mr.	2	from anyone
3	Snyder that you thought that Tommy Snyder had	3	MR. CONNOLLY: Different question.
4	it in for the Bosetti's?	4	MR. BAPTISTE: Objection.
5	MR. CONNOLLY: Objection. Them 10:40:20	5	A. Ask the question again. 10:42:19
6	being Mr. Carter?	6	Q. Had you ever heard that Tom Snyder
7	Q. Yes. That Mr. Hesse told	7	spoke to anyone at the District Attorney's
8	Mr. Carter and Mr. Snyder strike that.	8	office about the Halloween incident?
9	Isn't it true that you told Mr.	9	A. I don't think I specifically
10	Fiorillo and Mr. Carter that Tommy Snyder had 10:40:32	10	heard, I think I read it somewhere. 10:42:30
11	it in for the Bosetti's?	11	Q. Where did you read it?
12	A. No.	12	A. In one of their depositions.
		13	Q. What did you think of Tommy
13	Q. Did you believe that Tommy Snyder		
13 14	Q. Did you believe that Tommy Snyder had it in for the Bosetti's?	14	Snyder's statement?
		1	Snyder's statement? A. Which statement? 10:42:56
14	had it in for the Bosetti's?	14	· ·
14 15	had it in for the Bosetti's? A. No. 10:40:42	14 15	A. Which statement? 10:42:56
14 15 16	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder	14 15 16	A. Which statement? 10:42:56 <b>Q. The 42.</b>
14 15 16 17	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?	14 15 16 17	<ul><li>A. Which statement? 10:42:56</li><li>Q. The 42.</li><li>A. I don't know if I really thought</li></ul>
14 15 16 17 18	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.	14 15 16 17 18	A. Which statement? 10:42:56  Q. The 42.  A. I don't know if I really thought anything of it other than this is his
14 15 16 17 18	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.  A. I don't think specifically, no,	14 15 16 17 18 19	A. Which statement? 10:42:56  Q. The 42.  A. I don't know if I really thought anything of it other than this is his recollection of what happened that night.
14 15 16 17 18 19 20	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.  A. I don't think specifically, no, they didn't get along. 10:40:55	14 15 16 17 18 19 20	A. Which statement? 10:42:56  Q. The 42. A. I don't know if I really thought anything of it other than this is his recollection of what happened that night.  Q. Did you think it was a complete 42 10:43:10
14 15 16 17 18 19 20 21	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.  A. I don't think specifically, no, they didn't get along. 10:40:55  Q. Had you heard a rumor prior to the	14 15 16 17 18 19 20 21	A. Which statement? 10:42:56  Q. The 42. A. I don't know if I really thought anything of it other than this is his recollection of what happened that night.  Q. Did you think it was a complete 42 10:43:10 or a complete statement of what happened that
14 15 16 17 18 19 20 21 22	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.  A. I don't think specifically, no, they didn't get along. 10:40:55  Q. Had you heard a rumor prior to the Halloween incident that Tommy Snyder is the	14 15 16 17 18 19 20 21 22	A. Which statement? 10:42:56  Q. The 42.  A. I don't know if I really thought anything of it other than this is his recollection of what happened that night.  Q. Did you think it was a complete 42 10:43:10 or a complete statement of what happened that night?
14 15 16 17 18 19 20 21 22 23 24	had it in for the Bosetti's?  A. No. 10:40:42  Q. Did the Bosetti's and Mr. Snyder get along prior to the Halloween incident?  MR. CONNOLLY: Objection.  A. I don't think specifically, no, they didn't get along. 10:40:55  Q. Had you heard a rumor prior to the Halloween incident that Tommy Snyder is the one who alerted Civil Service the summer	14 15 16 17 18 19 20 21 22 23	A. Which statement? 10:42:56  Q. The 42. A. I don't know if I really thought anything of it other than this is his recollection of what happened that night.  Q. Did you think it was a complete 42 10:43:10 or a complete statement of what happened that night?  MR. NOVIKOFF: Objection.

1	13	سر	
	Page 587		Page 589
1	Hesse	1	Hesse
2	Q. How about in your opinion, did you	2	Q. What is this?
3	think that was a complete 42?	3	A. This is Frank Fiorillo's
4	MR. CONNOLLY: His opinion when?	4	statement.
5	Q. His opinion when you read it? 10:43:25	5	Q. The handwritten statement on page 11:06:44
6	A. I think it was complete to the	6	3195, is that the statement that he handed to
7	best of Mr. Snyder's knowledge of what	7	you at the checkpoint?
8	happened that night.	8	A. I believe it is.
9	Q. Did you doubt any of the	9	Q. Who typed up the first page of
10	credibility of any of the statements in the 42 10:43:39	10	this exhibit? 11:06:55
11	that Snyder provided?	11	A. I did.
12	· · · · · · · · · · · · · · · · · · ·	12	Q. How come?
	MR. NOVIKOFF: Objection.	1	
13	MR. CONNOLLY: Again you are	13	A. Because the piece of paper that he
14	talking when he first read it?	14	had written it on, it was like crammed on, so
15	MR. GOODSTADT: Yes. 10:43:48	15	I thought to be able to read it a little 11:07:03
16	A. I don't specifically remember.	16	better I would read it and type it out in case
17	Q. How about sitting here today do	17	I had to refer to it for anything.
18	you doubt the credibility of any of the	18	Q. Did you ever speak to Mr. Fiorillo
19	statements made in the statement?	19	about his statement?
20	A. I would have to read it entirely 10:43:59	20	A. Specifically I don't recall. 11:07:12
21	again.	21	MR. NOVIKOFF: You mean after
22	MR. CONNOLLY: Objection. You	22	Q. After he gave it to him.
23	want him to do so?	23	MR. NOVIKOFF: Right.
24	MR. GOODSTADT: Maybe later.	24	Q. Isn't it true that you told him
25	Q. I believe you testified that 10:44:12	25	that he needed to file a new statement to 11:07:28
	Page 588		Page 590
1		_	
1	Hesse	1	Hesse
2	Fiorillo handed you a statement, correct, a	2	protect the Bosetti's?
3	42?	3	A. Absolutely not.
4	A. From what I recall, yes.	4	MR. CONNOLLY: Objection.
5	Q. Do you recall what date that was? 10:44:21	5	I withdraw the objection. 11:07:36
6	A. No.	6	A. Absolutely not.
7	MR. GOODSTADT: Would you mark	7	Q. And you don't recall one way or
8	this document as Hesse Exhibit 24,	8	the other whether you actually ever spoke to
9	internal correspondence, November 7,	9	Mr. Fiorillo about his statement; is that
10	2004. 10:44:35	10	correct? 11:07:49
11	(Hesse Exhibit 24, internal	11	A. Correct.
12	correspondence, November 7, 2004,	12	Q. So had you spoken to him, if you
13	marked for identification, as of this	13	had spoken to him you wouldn't recall anything
14	date.)	14	that was stated during that conversation; is
15	THE VIDEOGRAPHER: The time is 10:44:56	15	that correct? 11:07:56
16	10:46, we are off the record.	16	MR. CONNOLLY: Objection.
		17	MR. NOVIKOFF: Objection.
17	(Recess taken.)	1	A. You asked me a specific question
	(Recess taken.) THE VIDEOGRAPHER: The time is	18	A. Tou asked the a specific question
17		18   19	of the statement I possibly made, and there is
17 18	THE VIDEOGRAPHER: The time is		* *
17 18 19	THE VIDEOGRAPHER: The time is 11:08, we are on the record.	19	of the statement I possibly made, and there is
17 18 19 20	THE VIDEOGRAPHER: The time is 11:08, we are on the record.  Q. Mr. Hesse, I placed in front of 11:06:25	19 20	of the statement I possibly made, and there is no way I asked him to rewrite this. 11:08:01  Q. That wasn't my question now. The
17 18 19 20 21	THE VIDEOGRAPHER: The time is 11:08, we are on the record.  Q. Mr. Hesse, I placed in front of 11:06:25 you what is marked Exhibit 24, a multiple page	19 20 21	of the statement I possibly made, and there is no way I asked him to rewrite this. 11:08:01  Q. That wasn't my question now. The question now was had you in fact spoken with
17 18 19 20 21 22	THE VIDEOGRAPHER: The time is 11:08, we are on the record.  Q. Mr. Hesse, I placed in front of 11:06:25 you what is marked Exhibit 24, a multiple page exhibit bearing Bates 3194 and 3195. Do you	19 20 21 22	of the statement I possibly made, and there is no way I asked him to rewrite this. 11:08:01  Q. That wasn't my question now. The question now was had you in fact spoken with him, sitting here today you don't recall
17 18 19 20 21 22 23	THE VIDEOGRAPHER: The time is 11:08, we are on the record.  Q. Mr. Hesse, I placed in front of 11:06:25 you what is marked Exhibit 24, a multiple page exhibit bearing Bates 3194 and 3195. Do you recognize the document marked as Hesse Exhibit	19 20 21 22 23	of the statement I possibly made, and there is no way I asked him to rewrite this. 11:08:01  Q. That wasn't my question now. The question now was had you in fact spoken with

	13	251	
	Page 591		Page 593
1	Hesse	1	Hesse
2	A. I don't recall specifically when,	2	correct?
3	where, why or what. I remember receiving this	3	A. I don't recall having a
4	and reading it.	4	conversation with Mr. Snyder, no.
5	Q. I am not talking about you 11:08:22	5	Q. Did you tell Mr. Fiorillo that 11:09:26
6	receiving this and reading it. I am talking	6	Cherry's investigation actually described what
7	about any conversations you had with Mr.	7	happened that night?
8	Fiorillo about his statement after you read it	8	A. Specifically no.
9	and received it?	9	Q. Did you tell Mr. Snyder that
10	A. Specifically no. 11:08:29	10	Cherry's investigation actually described what 11:09:44
11	1 ,	11	happened that night?
12	Q. Did you ever show Mr. Fiorillo's	12	A. Specifically no.
	statement to Mr. Snyder?	1	
13	A. I don't recall if I did.	13	Q. Specifically you don't recall or
14	Q. You don't recall one way or the	14	specifically you didn't say that?
15	other? 11:08:42	15	A. I don't specifically remember 11:09:51
16	A. No.	16	saying it that way.
17	Q. Do you recall telling Mr. Snyder	17	Q. Do you recall saying it generally
18	that it was similar to the piece of shit that	18	in sum and substance that way?
19	he had filed?	19	A. At some point I sat each one of
20	MR. NOVIKOFF: Objection to the 11:08:50	20	them down and had a conversation about the 11:10:04
21	form.	21	investigation, yes.
22	A. No.	22	Q. When did you have that sit down
23	MR. NOVIKOFF: Is the question	23	with Mr. Fiorillo?
24	does he recall stating that or did he say	24	A. I believe it was after Mr. Schalik
25	that? 11:08:57	25	and Mr. Van Koot had already been prosecuted. 11:10:13
	Page 592		Page 594
1	Hesse	1	Hesse
2	Q. The question is do you recall	2	Q. What was the substance of that conversation?
3	stating that?	3	
4	A. No.	4	A. I told him that I thought it was a
5	MR. NOVIKOFF: Objection to form 11:08:59	5	good idea that he reviewed the entire 11:10:23
6	of the question.	6	investigation package from start to finish to
7	Q. Did you state that to him?	7	show him what had happened.
8	A. No.	8	Q. And do you recall anything else
9	Q. Do you recall ever speaking with	9	that was stated in that conversation?
10	Mr. Snyder about Mr. Fiorillo's statement? 11:09:03	10	A. Not specifically. 11:10:37
11	A. I don't recall.	11	Q. How about generally?
12	Q. You don't recall one way or the	12	A. I believe Mr. Fiorillo sat down
13	other?	13	and actually enjoyed reading the entire
14	A. No.	14	arrest.
15	Q. And sitting here today if that 11:09:11	15	Q. What made you believe that? 11:10:48
16	conversation actually occurred you don't	16	A. He sat there and he read the whole
17	recall any of the details of what was said;	17	thing and he was shaking his head, yes, yes,
18	correct?	18	yes, yes, and finished it and said that it was
19	MR. NOVIKOFF: Objection.	19	good.
20	MR. CONNOLLY: Objection. 11:09:18	20	Q. Where was that conversation? 11:11:00
21	A. Specifically no.	21	A. In the police station.
22	Q. Or generally?	22	Q. When?
23	MR. NOVIKOFF: Objection.	23	A. I don't remember the date.
24	A. Specifically no.	24	Q. Who else was there?
1			
25	Q. Generally you don't recall either; 11:09:21	25	A. I think Mr. Cherry was there. 11:11:07

	1;	3252	
	Page 595		Page 597
1	Hesse	1	Hesse
2	Q. Do you recall how long after the	2	that we are going to sweep this one under the
3	plea was done in connection with Mr. Schalik	3	rug too.
4	or Mr. Van Koot's arrest?	4	Q. When did he say that?
	A. It might have been the following 11:11:23		-
5		5	A. During this little conversation 11:12:51
6	summer or season.	6	that we had when I asked him to read through
7	Q. So you think it was the summer of	/	the investigative pack.
8	'05?	8	Q. Do you know what he meant by that
9	A. Possible, yes.	9	when he said we are going to sweep this one
10	Q. Did you have a sit down with 11:11:32	10	under the rug too? 11:12:49
11	Mr. Lamm?	11	A. I think he felt that there was a
12	A. Yes.	12	cover up.
13	Q. When did you have that sit down?	13	Q. So he was claiming that there was
14	A. Probably around the same time.	14	a cover up at that time?
15	Q. What was the sum and substance of 11:11:39	15	MR. CONNOLLY: Objection. 11:13:08
16	that conversation you had with Mr. Lamm?	16	A. There were rumors that that is
17	A. He chose not to read it.	17	that he especially suspected.
18	Q. Do you recall what you said to him	18	Q. I am not talking about rumors, I
19	in sum and substance?	19	am talking about what he said to you right
20	A. I told him this is what the 11:11:46	20	now? 11:13:15
21	investigation produced, that he should read	21	A. Well he said that we were going to
	it.	22	sweep this under the rug.
23	Q. Anything else that you recall in	23	^
24	that conversation?	24	Q. That led you to believe that he
25			was claiming that it was being covered up? A. Yes. 11:13:22
23	A. Not specifically. 11:11:54	25	A. 168. 11.13.22
	Page 596		Page 598
1	Hesse	1	Hesse
2	Q. How about generally?	2	Q. How about Mr. Snyder, did you ever
3	A. No. He just seemed very angry.	3	have a sit down with Mr. Snyder?
4	Q. What do you mean by that?	4	A. At some point I did, yes.
5	A. He just seemed like it was a joke. 11:12:00	5	Q. When was that? 11:13:29
6	Q. What did he do that led you to	6	A. I don't remember the specific
7	believe that he was angry?	7	date.
8	A. He took it and he looked at it	8	Q. When was the sit down with Lamm?
9	briefly and he said I am not reading that.	9	A. It was around the same time I did
10	Q. Did you respond to him when he 11:12:13	10	with Mr. Fiorillo. I think it was early in 11:13:37
11	said that?	111	the season of 2005.
12	A. Specifically I don't remember what	12	Q. Now, when was the sit down with
13	I said.	13	
14		1	Mr. Snyder?
	Q. How about generally?	14	A. It was later, much later. I don't
15	A. Even generally I don't remember 11:12:20	15	remember the date specifically. But I thought 11:13:53
16	anything else.	16	it would be a good idea that he come in with
17	Q. What made you believe or led you	17	both Bosetti brothers and have a sit down and
18	to believe that he thought it was a joke?	18	try to hash out some of this.
19	A. That is exactly what he said.	19	Q. Was that after Mr. Snyder was let
20	Q. He said it is a joke? 11:12:28	20	go? 11:14:20
21	A. Yes, he said it is a joke.	21	A. I think it was just before.
22	Q. What did you understand him to	22	Q. Just before he was let go?
23	mean when he said this was a joke?	23	A. Yes.
24	MR. CONNOLLY: Objection.	24	MR. NOVIKOFF: When you say let
25	A. I specifically remember him saying 11:12:42	25	go, we have the same agreement 11:14:38
			-

	13	253	
	Page 599		Page 601
1	Hesse	1	Hesse
	. GOODSTADT: We have the same	2	Q. That beach cop 03, that is your
3 agreeme	nt. Hopefully we will have time	3	E-mail address?
_	ough when Mr. Hesse said	4	A. Yes.
_	. NOVIKOFF: Yes. 11:14:53	5	Q. Do you recall it coming in around 11:16:56
6 MR	. GOODSTADT: Would you mark	6	November 5, 2004?
	iment as Hesse Exhibit 25, Ocean	7	A. I guess that is the date that I
8 Beach P	olice Department, document dated	8	received it, or he sent it, I am not sure.
9 11/5/200	)4.	9	Q. What was your reaction when you
10 (Hes	sse Exhibit 25, Ocean Beach 11:15:02	10	read Mr. Lamm's statement, if any? 11:17:09
11 Police I	Department, document dated	11	A. I don't remember having a
12 11/5/20	04, marked for identification,	12	reaction.
13 as of this o	late.)	13	Q. Did you ever speak with Mr. Lamm
14 <b>Q. D</b> o	you recall when you received	14	about his statement after you received it?
15 Mr. Lamm		15	A. I don't specifically remember. 11:17:18
16 A. Id	on't.	16	Q. You don't recall one way or the
	hy did you ask him to put this on	17	other?
18 <b>a 42?</b>		18	A. No.
	st wanted him to write it down	19	Q. So if you had that conversation
3 0	e me an idea of what they thought 11:15:48	20	with him, sitting here today you don't recall 11:17:26
21 happened.		21	anything that was stated?
	it standard to have a report of	22	A. Not specifically about his
_	ation done on a 42?	23	statement, no.
	ey could have wrote it on a 42,	24	Q. How about generally?
25 they could l	nave wrote it on a blank piece of 11:16:04	25	A. I don't know. 11:17:32
	Page 600		Page 602
1	Hesse	1	Hesse
2 paper. I jus	st wanted to know what they	2	Q. What did you think of Mr. Lamm's
3 thought hap	opened.	3	statement when you received it?
4 <b>Q. D</b> o	you recall when you received	4	MR. CONNOLLY: In what regard?
5 <b>Mr. Lamm</b>	's statement? 11:16:11	5	Q. In any regard? 11:17:51
6 A. I d	on't.	6	A. Repeat that.
	as it before or after you	7	Q. What did you think of his
8 received F		8	statement when you received it?
	on't recall.	9	MR. NOVIKOFF: Objection.
_	ow about was it before or after 11:16:15	10	A. I took it for what it was worth. 11:17:58
11 you receive	ed Snyder's?	11	I read it and added it to the pile of papers
•	on't recall	12	that was part of the investigation
12 A. I d			that was part of the investigation.
12 A. I d 13 <b>Q. D</b> o	you recall how you received it?	13	Q. What do you mean for what it was
12 A. I d 13 <b>Q. D</b> d 14 A. It i	you recall how you received it? might have been through E-mail	13 14	Q. What do you mean for what it was worth?
12 A. Id 13 <b>Q. Do</b> 14 A. It I 15 or fax, I am	you recall how you received it? might have been through E-mail not sure. 11:16:23	13 14 15	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10
12 A. Id 13 <b>Q. Do</b> 14 A. It I 15 or fax, I am 16 <b>Q. I</b>	byou recall how you received it? might have been through E-mail not sure. 11:16:23 blace in front of Mr. Hesse what	13 14 15 16	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10 what happened that night.
12 A. Id 13 Q. Do 14 A. It 1 15 or fax, I am 16 Q. I p 17 was marke	o you recall how you received it? might have been through E-mail not sure. 11:16:23 place in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a	13 14 15 16 17	<ul> <li>Q. What do you mean for what it was worth?</li> <li>A. This is what his account was of what happened that night.</li> <li>Q. Did you think it was worth</li> </ul>
12 A. Id 13 Q. Do 14 A. It i 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193.	13 14 15 16 17 18	<ul> <li>Q. What do you mean for what it was worth?</li> <li>A. This is what his account was of 11:18:10 what happened that night.</li> <li>Q. Did you think it was worth anything?</li> </ul>
12 A. Id 13 Q. Do 14 A. It i 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document	13 14 15 16 17 18 19	<ul> <li>Q. What do you mean for what it was worth?</li> <li>A. This is what his account was of the variable what happened that night.</li> <li>Q. Did you think it was worth anything?</li> <li>A. I don't recall. I would have to</li> </ul>
12 A. I d 13 Q. Do 14 A. It i 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do 20 marked as	o you recall how you received it? might have been through E-mail not sure. 11:16:23 place in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document Hesse Exhibit 25? 11:16:39	13 14 15 16 17 18 19 20	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10 what happened that night. Q. Did you think it was worth anything?  A. I don't recall. I would have to read it again. 11:18:16
12 A. Id 13 Q. Do 14 A. It 1 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do 20 marked as 21 A. Ye	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document Hesse Exhibit 25? 11:16:39 es.	13 14 15 16 17 18 19 20 21	<ul> <li>Q. What do you mean for what it was worth?</li> <li>A. This is what his account was of 11:18:10 what happened that night.</li> <li>Q. Did you think it was worth anything?</li> <li>A. I don't recall. I would have to read it again. 11:18:16</li> <li>Q. Sitting here today you don't</li> </ul>
12 A. I d 13 Q. Do 14 A. It i 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do 20 marked as 21 A. Ye 22 Q. W	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document Hesse Exhibit 25? 11:16:39 ess. hat is this?	13 14 15 16 17 18 19 20 21 22	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10 what happened that night. Q. Did you think it was worth anything?  A. I don't recall. I would have to read it again. 11:18:16 Q. Sitting here today you don't recall whether at that time you thought it was
12 A. I d 13 Q. Do 14 A. It 1 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do 20 marked as 21 A. Ye 22 Q. W 23 A. Th	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document Hesse Exhibit 25? 11:16:39 es. hat is this? is is Mr. Lamm's statement.	13 14 15 16 17 18 19 20 21 22 23	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10 what happened that night. Q. Did you think it was worth anything?  A. I don't recall. I would have to read it again. 11:18:16 Q. Sitting here today you don't recall whether at that time you thought it was worth anything?
12 A. I d 13 Q. Do 14 A. It 1 15 or fax, I am 16 Q. I p 17 was marke 18 two-page e 19 Do 20 marked as 21 A. Ye 22 Q. W 23 A. Th	o you recall how you received it? might have been through E-mail not sure. 11:16:23 clace in front of Mr. Hesse what ed as Hesse Exhibit 25, it is a exhibit bearing Bates 3192 and 3193. eyou recognize the document Hesse Exhibit 25? 11:16:39 es. hat is this? is is Mr. Lamm's statement. came in by E-mail?	13 14 15 16 17 18 19 20 21 22	Q. What do you mean for what it was worth?  A. This is what his account was of 11:18:10 what happened that night. Q. Did you think it was worth anything?  A. I don't recall. I would have to read it again. 11:18:16 Q. Sitting here today you don't recall whether at that time you thought it was

	13	254	
	Page 603		Page 605
1	Hesse	1	Hesse
2	some point around five days of investigating	2	A. Yes.
3	you reached a conclusion as to what happened;	3	Q. So other than for the well,
4	is that correct?	4	strike that.
5	MR. CONNOLLY: Objection. 11:18:32	5	This field report doesn't reflect 11:21:04
6	A. I had an idea of what was going	6	the conclusions of your investigation, does
7	on.	7	it?
8	Q. Did you prepare any report?	8	A. You mean our findings?
9	A. At some point I think I did	9	Q. Yes.
10	another field report. 11:18:42	10	A. No. 11:21:17
11	Q. When did you do that?	11	Q. So when I ask you if you prepared
12	A. I don't specifically remember the	12	a report, I was referring to maybe you
13	date.	13	misunderstood or I didn't ask the question
14	Q. Was it after you reached your	14	clearly. Did you prepare a report that set
15	conclusion? 11:18:54	15	forth your findings or your conclusions? 11:21:29
16	A. I don't recall.	16	A. No.
17	Q. Why would you do another field	17	Q. How come?
18	report?	18	A. I don't specifically know why we
19	A. Just to add to the investigation.	19	had to do that.
20	Q. Just so we are clear, the 11:19:01	20	Q. I am asking why you didn't? 11:21:39
21	additional field report that you did is	21	MR. CONNOLLY: Objection.
22	something different than what has been marked	22	A. I don't think it was what we
23	as what number was the field report?	23	normally did.
24	A. The original one?	24	Q. Again just so I am clear for the
25	Q. Yes, the one that we marked today. 11:19:19	25	record, when you said another field report, 11:21:52
	Page 604		Page 606
1	_		
1	Hesse	1	Hesse
2	A. It was number 18.	2	you are referring to Hesse Exhibit 26 and not
3	Q. Just so it is clear for the	3	some other document?
4	record, you did a field report that was	4	A. That is correct.
5	different than the one that has been marked as 11:19:35	5	Q. Now, other than for the witness 11:21:57
6	Hesse Exhibit 18?	6	statements, the 42's that we went over, the
7	A. Yes, it was a separate field	7	photos, the statements that were taken that
8	report.	8	night from Schalik, to Tesori and Van Koot,
9	Q. Do you know where that field	9	was there anything else that was placed into
10	report is kept? 11:19:53	10	the Halloween file? 11:22:17
11	A. What do you mean where it is kept?	11	MR. CONNOLLY: Objection.
12	Q. Where it is stored?	12	A. Not that I specifically know.
13	A. It is stored as an electronic	13	Q. Isn't it true that you told Lamm
14	document in the computer.	14	that what was in his statement wasn't what
15	MR. GOODSTADT: Would you mark as 11:20:14	15	happened? 11:22:40
16	Hesse Exhibit 26, incident report,	16	MR. CONNOLLY: Objection.
17	12/11/2004.	17	A. I don't recall that.
18	(Hesse Exhibit 26, incident	18	Q. Isn't it true that you asked
19	report, 12/11/2004, marked for	19	Mr. Lamm to amend his statement?
20	identification, as of this date.) 11:20:46	20	A. No. 11:22:49
21	Q. I placed in front of Mr. Hesse	21	Q. It is not true or you don't
22	what is marked as Hesse Exhibit 26, one-page	22	recall?
23	exhibit bearing Bates 3150. Mr. Hesse, is	23	A. It is not true.
24	this the field report that you are referring	24	Q. There came a point in time where
25	to? 11:20:58	25	you strike that. 11:23:05

	كِيلِـــــــــــــــــــــــــــــــــــ	255	
	Page 607		Page 609
1	Hesse	1	Hesse
2	There came a point in time where	2	Q. Is there anything that you can
3	the five plaintiffs in this matter were	3	think of that would refresh your recollection?
4	terminated from Ocean Beach; is that correct?	4	A. No.
5	A. Yes. 11:23:16	5	Q. Did you take any notes of the 11:25:20
6	Q. When was that?	6	call?
7	A. I believe they April 2nd for	7	A. No.
8	four of them and it was later for Mr. Snyder.	8	Q. Did you put it on any calendar or
9	Q. Do you recall when Mr. Snyder was	9	diary?
10	terminated? 11:23:31	10	A. No. 11:25:25
11	A. Specifically I don't know the	11	Q. Tell me what you recall about that
12	date, no.	12	call?
13	Q. Do you recall how many was it	13	A. I believe I stated it on the first
14	weeks, days, months after April 2nd that Mr.	14	day of testimony that I called her. I asked
15	Snyder was terminated? 11:23:42	15	her what their rights were as seasonal police 11:25:35
16	A. It may have been a couple of	16	officers. I asked her what the Village's
17	weeks, I am not specifically sure.	17	rights were and what my rights would be.
18	Q. Who made the decision to terminate	18	Q. What did she respond?
19	their employment?	19	A. She said that she would have to
20	A. I did. 11:23:55	20	speak to her supervisor and find out some 11:25:50
21	Q. Did you consult with anybody in	21	details and that she would get back to me.
22	making that decision?	22	Q. Did she ever get back to you?
23	A. I don't think so.	23	A. Yes.
24	Q. When did you make the decision to	24	Q. Do you recall who the supervisor
25	terminate their employment? 11:24:04	25	was that she had to get in touch with? 11:25:59
	1 0		5
	Page 608		Page 610
1	Page 608	1	Page 610
1	Hesse	1	Hesse
2	Hesse A. Sometime in I guess January of	2	Hesse A. I don't know.
2	Hesse A. Sometime in I guess January of '06.	2 3	Hesse A. I don't know. Q. What did she tell you when she got
2 3 4	Hesse A. Sometime in I guess January of '06. Q. When did you first alert somebody	2 3 4	Hesse A. I don't know. Q. What did she tell you when she got back to you?
2 3 4 5	Hesse A. Sometime in I guess January of '06. Q. When did you first alert somebody about the decision to terminate their 11:24:22	2 3 4 5	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06
2 3 4 5 6	Hesse A. Sometime in I guess January of '06. Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?	2 3 4 5 6	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and
2 3 4 5 6 7	Hesse A. Sometime in I guess January of '06. Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't	2 3 4 5 6 7	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just
2 3 4 5 6 7 8	Hesse A. Sometime in I guess January of '06. Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil	2 3 4 5 6 7 8	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without
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2 3 4 5 6 7 8 9	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37	2 3 4 5 6 7 8 9	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23
2 3 4 5 6 7 8 9 10	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?	2 3 4 5 6 7 8 9 10	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of
2 3 4 5 6 7 8 9 10 11	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?  A. I believe it was Allison Chester	2 3 4 5 6 7 8 9 10 11	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment?
2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time.	2 3 4 5 6 7 8 9 10 11 12	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No.
2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil	2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?  A. I believe it was Allison Chester at the time.  Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?  A. I believe it was Allison Chester at the time.  Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54  A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?  A. I believe it was Allison Chester at the time.  Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54  A. Yes.  Q. You dealt with her in the past on Civil Service issues?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54 A. Yes. Q. You dealt with her in the past on Civil Service issues? A. In the past, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37 Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54 A. Yes. Q. You dealt with her in the past on Civil Service issues? A. In the past, yes. Q. When was that call? 11:25:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54 A. Yes. Q. You dealt with her in the past on Civil Service issues? A. In the past, yes. Q. When was that call? 11:25:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point in 11:26:53
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call?  A. I believe it was Allison Chester at the time.  Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54  A. Yes.  Q. You dealt with her in the past on Civil Service issues?  A. In the past, yes.  Q. When was that call? 11:25:00  A. I don't specifically know the date.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point in 11:26:53 MR. GOODSTADT: When he had this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06?  A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54 A. Yes. Q. You dealt with her in the past on Civil Service issues? A. In the past, yes. Q. When was that call? 11:25:00 A. I don't specifically know the date.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point in 11:26:53 MR. GOODSTADT: When he had this conversation. MR. CONNOLLY: Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. Sometime in I guess January of '06.  Q. When did you first alert somebody about the decision to terminate their 11:24:22 employment that you made in January of '06? A. I believe what I did is, I didn't know how to go about it, so I called Civil Service and I asked them for a little direction. 11:24:37  Q. Who in Civil Service did you call? A. I believe it was Allison Chester at the time. Q. And she was the person in Civil Service assigned to the Ocean Beach account? 11:24:54 A. Yes. Q. You dealt with her in the past on Civil Service issues? A. In the past, yes. Q. When was that call? 11:25:00 A. I don't specifically know the date. Q. Do you recall what month it was? A. It could have been January,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. I don't know. Q. What did she tell you when she got back to you? A. She told me that all part-time 11:26:06 seasonal officers are at will employees, and that you could terminate or not rehire or just not ask them back for any reason without cause. Q. Did she tell you that there are 11:26:23 any reasons that couldn't form the basis of the decision to terminate their employment? A. No. Q. Just so I am clear at that point in time what was your title? 11:26:43 A. At that time I was the I was appointed Acting Deputy Chief. MR. CONNOLLY: We are talking about when you are saying at that point in 11:26:53 MR. GOODSTADT: When he had this conversation.

	13	256	
	Page 611		Page 613
1	Hesse	1	Hesse
2	correct?	2	Mr. Hesse, do you recognize the
3	A. No.	3	document that has been marked as Hesse Exhibit
4	Q. At no point were you the acting	4	27?
5	mayor? 11:27:03	5	A. Yes. 11:29:07
6	MR. NOVIKOFF: We can stipulate to	6	Q. What is this document?
7	that.	7	A. This was a memo sent out to all
8	A. No.	8	officers of the department to come for a
9	MR. GOODSTADT: We have some	9	meeting.
10	testimony from Civil Service as to who 11:27:10	10	Q. Did you send this to the five 11:29:18
11	can make these decisions.	11	plaintiffs?
12	MR. NOVIKOFF: But we can	12	A. Yes.
13	stipulate that he was never the mayor,	13	Q. Why did you send it to the five
14	acting mayor, trustee, acting trustee	14	plaintiffs if you made the decision to
15	member or clerk. 11:27:18	15	terminate their employment? 11:29:23
16	Q. Were you ever the clerk of the	16	A. Because I wanted them to come to
17	Village of Ocean Beach?	17	the meeting with all their equipment.
18	A. No.	18	Q. You see in the fourth line down in
19	Q. Acting clerk of the Village of	19	this memo it says new ID will be issued to
20	Ocean Beach? 11:27:24	20	all? 11:29:37
21	A. No.	21	A. Yes.
22	Q. Do you recall anything else in	22	Q. Why did you send that to the
23	that conversation that you had with	23	plaintiffs saying that new ID would be issued
24	Ms. Chester, the second conversation?	24	to all?
25	A. No. 11:27:33	25	A. It was a generic letter that I 11:29:44
	Page 612		Page 614
1	Hesse	1	Hesse
2	Q. When was the first time that you	2	sent to all members of the department.
3	alerted anybody who was either an employee of	3	Q. So you didn't mean that new ID
4	the Village of Ocean Beach or a member of the	4	would be issued to all of the people who were
5	Board of Trustees of Ocean Beach about your 11:27:46	5	invited to the meeting; is that correct? 11:29:54
6	decision to terminate the five plaintiffs?	6	A. Yes. You are correct.
7	A. I believe I wrote a memo to the	7	Q. Did you speak with any other
8	Village Clerk and to I think I cc'd it to the	8	strike that.
9	mayor and Trustee Loeffler.	9	Did you alert any other police
10	Q. Do you recall when that was? 11:28:03	10	officers at Ocean Beach that the plaintiffs 11:30:07
11	A. The specific date that I wrote it,	11	were going to be terminated prior to April 2,
12	April 4th, somewhere in there.	12	2006?
13	Q. It was after you had already	13	A. Yes.
14	notified four of the five plaintiffs that they	14	Q. Who did you speak with?
15	were terminated? 11:28:16	15	A. Only one, Paul Trosko, who was my 11:30:14
16	A. Yes.	16	full-time police officer.
17	MR. GOODSTADT: Would you mark	17	Q. What did you tell Paul Trosko?
18	this document as Hesse Exhibit 27, letter	18	A. I told him what I was going to do.
19	dated March 11, 2006.	19	Q. Did you tell him why you were
20	(Hesse Exhibit 27, letter dated 11:28:20	20	going to do it? 11:30:26
21 22	March 11, 2006, marked for identification as of this data.)	21 22	A. I don't remember specifically.  On This April 2006, that is the first
23	identification, as of this date.)  Q. I place in front of Mr. Hesse what	23	Q. This April 2006, that is the first
	has been marked as Hesse Exhibit 27, a		year, the first season in which you were the Deputy Chief?
24			
24	one-page exhibit bearing Bates 2662. 11:28:55	24 25	MR. NOVIKOFF: Objection to the 11:30:37

	13	257	
	Page 615		Page 617
1	Hesse	1	Hesse
2	form only to the extent that the question	2	Q. Did you invite Ed Paradiso to the
3	implies that April 2nd is part of the	3	meeting?
4	season.	4	A. No.
5	Q. That is a good point. 11:30:47	5	Q. How come? 11:32:40
6	The meeting on April 2nd, that was	6	A. I don't know.
7	the first preseason meeting that you presided	7	
8	over as Deputy Chief or Acting Deputy Chief?	8	Q. Why did you terminate Frank Fiorillo?
9	A. Yes.	9	
10		-	A. Because of his regular
	Q. In all the other prior seasons Ed 11:30:59	10	insubordination and I felt that now that I was 11:32:56
11	Paradiso was still actively working as the	11	the chief that he would continue with his
12	chief?	12	insubordination.
13	A. Yes.	13	Q. Any other reasons?
14	Q. And as you understand it this was	14	A. No.
15	the first year, 2006, in which you had the 11:31:13	15	Q. What incidents of insubordination 11:33:10
16	authority to hire and fire?	16	led you to terminate him?
17	A. That is what I believed, yes.	17	A. Like I stated on the first day,
18	Q. Did you notify Ed Paradiso that	18	specifically one incident that sticks out is
19	you had terminated the five plaintiffs	19	we were driving in to work, it was myself,
20	employment prior to telling them on April 2nd? 11:31:31	20	John Dwyer, Paul Corolla and Mr. Fiorillo in 11:33:27
21	MR. CONNOLLY: Objection to the	21	the car. I had given an order to John Dwyer
22	form.	22	who was a paramedic at the time to please go
23	A. I don't think I did.	23	over all the medical gear in the station house
24	Q. Why not?	24	to make sure that we have all our equipment
25	A. Well we were really not on 11:31:39	25	up-to-date, and I turned around and I asked 11:33:47
	Page 616		Page 618
1	Hesse	1	Hesse
2	speaking terms at that point.	2	Mr. Fiorillo if he could please wash the
3	Q. What do you mean by that?	3	windows, the front windshield of the car when
4	A. We just didn't see eye-to-eye on	4	we got back to the station house, and he flat
5	certain things, and I was told that I was put 11:31:57	5	out told me no. 11:34:00
6	in charge of the Police Department because he	6	I turned around, I said what do
7	was not expected to come back and I was in	7	you mean no. His phrase to me is I am not
8	charge. I didn't have to check in with him.	8	fucking doing it. Get somebody else to do it.
9	Q. Who told you that he was not	9	I do enough around here. I stopped the
10	expected to come back? 11:32:06	10	vehicle and I said if he chose not to do it he 11:34:17
11	A. It was everybody's belief, the	11	can go home. He shut up and we drove the rest
12	village board, the mayors, everybody.	12	of the way into work and then I told him not
13	Q. You said that you were told that	13	to do it and I put him on a post.
14	you were in charge of the police station, he	14	Q. Was Frank Fiorillo on duty when
15	wasn't expected back. Who told you that? 11:32:14	15	you told him to wash the windows? 11:34:33
16	A. It might have been Trustee	16	A. Yes.
17	Loeffler.	17	MR. NOVIKOFF: Was he on duty when
18	Q. When you say Trustee Loeffler,	18	he made the request in the car, or was he
19	Joseph Loeffler, Jr.?	19	on duty when he was asked to actually
20	A. Yes. 11:32:21	20	wash the car? 11:34:46
21	Q. Did he tell you that you didn't	21	Q. Was he on duty when you made the
22	need to check in with Ed Paradiso on decisions	22	request in the car?
23	affecting the police station?	23	A. Yes.
24	MR. CONNOLLY: Objection.	24	Q. Was he on duty at the time that
25	A. Specifically no. 11:32:34	25	you wanted him to actually perform the washing 11:34:52
	11. Specifically 110. 11.32.34	ر تــا	Jou manied min to actually perform the washing 11.34.32

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	Page 619		Page 621
1	Hesse	1	Hesse
2	of the window?	2	direct him not to move?
3	A. He would have been on duty, yes.	3	MR. CONNOLLY: At any time?
4	Q. Was he getting paid for that time?	4	Q. At any time?
5	A. Yes. 11:35:00	5	A. Pretty much the same compound 11:36:42
6	MR. NOVIKOFF: Objection.	6	question, but he was put on a post for three
7	MR. CONNOLLY: Which time?	7	days, but he can move around.
8	Q. Was he getting paid for the time	8	Q. What post?
9	that you wanted him to wash the window?	9	A. The corner of Denhoff and Bay
10	A. Yes. 11:35:10	10	Walk. 11:36:55
11	Q. Was he getting paid at the time	11	Q. Was that in response to his
12	that you had directed him not to wash the	12	complaint to Mr. Paradiso?
13	window?	13	A. No.
14	A. Yes.	14	Q. Was it at or about the same time
15	Q. Are you sure about that? 11:35:16	15	or shortly after his complaint to Mr. 11:37:04
16	A. We were in the police car.	16	Paradiso?
17	Q. Did you write Mr. Fiorillo up for	17	A. No.
18	that?	18	Q. Was it before or after the
19	A. Yes, I did.	19	complaint to Mr. Paradiso that he was placed
20	Q. Did you put it in his personnel 11:35:27	20	on that corner? 11:37:12
21	file?	21	A. It was before.
22	A. Yes.	22	Q. Was it before or after he was told
23	RQ Q. I would like to mark the record to	23	to wash the windows?
24	request the production of the alleged	24	A. It was after.
25	write-up, I don't think we have it. 11:35:42	25	Q. So you put him at that post on 11:37:22
	Page 620		Page 622
1	Hesse	1	Hesse
2	MR. CONNOLLY: I am sure it was	2	Denhoff in response to his refusal to wash the
3	requested?	3	windows?
4	THE WITNESS: It was.	4	A. Yes.
5	Q. Did you report Mr. Fiorillo to Ed 11:35:50	5	Q. Did you tell him that? 11:37:31
6	Paradiso?	6	A. Yes.
7	A. Yes.	7	Q. Is that reflected in your write-up
8	Q. Do you know whether Mr. Fiorillo	8	of him?
9	reported the incident to Ed Paradiso?	9	A. I don't specifically remember.
10	A. Yes, he did. 11:36:01	10	Q. Did you tell anybody that you were 11:37:39
11	Q. Did Ed Paradiso tell you that	11	placing him, other than Mr. Fiorillo, did you
12	Fiorillo had complained to him about the	12	tell anyone else that you were placing him at
13	incident?	13	that corner for refusing to wash the windows?
14	A. Yes, he did.	14	A. I don't recall.
15	Q. Is it true that you placed Mr. 11:36:12	15	Q. What was the reason that you told 11:37:51
16	Fiorillo in the same post for three straight	16	Mr. Fiorillo that he was being terminated?
17	tours and told him he couldn't move in	17	A. Mr. Fiorillo's regular patrol duty
18	response to his complaint to Mr. Paradiso?	18	was the use of a G.E.M. car and residential
19	A. No, I did not.	19	patrol, that was like his favorite thing to
20	MR. NOVIKOFF: Your question was 11:36:27	20	do, and so I took it away from him and I put 11:38:09
21	kind of compound. I didn't object, I	21	him on a foot post.
1		22	MR. CONNOLLY: Different question.
22	will take his answer, but you may want to		
	clarify.	23	Q. My question is what reason did you
22	· · · · · · · · · · · · · · · · · · ·	1	
22 23	clarify. <b>Q. Did you ever place Mr. Fiorillo at</b>	23	Q. My question is what reason did you

		259	
	Page 623		Page 625
1	Hesse	1	Hesse
2	MR. NOVIKOFF: Objection to the	2	MR. NOVIKOFF: Objection.
3	form.	3	A. Why I didn't ask him back, yes.
4	Q. At some point on April 2, 2006 you	4	Q. I think you said you didn't write
5	told Mr. Fiorillo at some point on April 2, 11:38:31	5	him up; correct? 11:40:19
6	2006 you told Mr. Fiorillo that he was being	6	A. That is correct.
7	terminated; correct?	7	Q. Any other alleged incidents of
8	A. Yes, I told him he was not coming	8	insubordination that led you to terminate his
9	back to work.	9	employment?
10	Q. What reason did you give him for 11:38:41	10	A. There were others, but 11:40:24
11	making that decision to terminate his	11	specifically I can't recall.
12	employment?	12	Q. So the only two that you can
13	A. I flat out told him because of his		recall are the two that you testified to?
14	insubordination on a regular basis is why I	14	A. Right now, yes.
15	felt it necessary that he did not any longer 11:38:55	15	Q. Did you tell him that those two 11:40:35
16	work for us or me.	16	specific instances led to his termination?
17	Q. You didn't tell him that it was	17	A. I don't know if I said those two
18	due to budget cuts?	18	incidents specifically, but I told him about
19	A. Absolutely not.	19	his insubordination. I told him that it was
20	Q. And other than for the one 11:39:06	20	best that he just move on with his life. 11:40:47
21	incident that you testified to what other	21	Q. Anything else discussed during
22	incidents of insubordination led you to	22	that conversation that you had with Mr.
23	terminate his employment?	23	Fiorillo on April 2nd?
24	A. There were other incidents that	24	A. Yes, he proceeded to state that he
	were not written up because I felt it 11:39:15		would do whatever I asked him to do, and I 11:40:56
	1		,
	7		5.00
	Page 624		Page 626
1	Page 624 Hesse	1	Page 626 Hesse
1 2	Hesse justified enough to speak to the individual	1 2	
	Hesse		Hesse
2	Hesse justified enough to speak to the individual	2	Hesse told him I didn't believe him, and that he
2	Hesse justified enough to speak to the individual officer. But one that there was one night	2	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08
2 3 4 5 6	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it	2 3 4	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.
2 3 4 5	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27	2 3 4 5	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08
2 3 4 5 6	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are	2 3 4 5 6	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways. Q. Anything else discussed during 11:41:08 that meeting?
2 3 4 5 6 7 8 9	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.	2 3 4 5 6 7 8	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation
2 3 4 5 6 7 8	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42	2 3 4 5 6 7 8 9	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14
2 3 4 5 6 7 8 9 10	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station,	2 3 4 5 6 7 8 9 10	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach.
2 3 4 5 6 7 8 9 10 11	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more	2 3 4 5 6 7 8 9 10 11	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during
2 3 4 5 6 7 8 9 10 11 12 13	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type	2 3 4 5 6 7 8 9 10 11 12 13	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type of situation that would go on with Mr. Fiorillo.  11:39:58  Q. When was that incident?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation? A. Not inside the room, no. Q. What did you tell Mr. Carter the 11:41:28 reason for his layoff?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type of situation that would go on with Mr. Fiorillo.  11:39:58  Q. When was that incident? A. It might have been in 2004. Q. And did you ever speak to Chief Paradiso about that? A. About that specifically, no. 11:40:04 Q. How come?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation? A. Not inside the room, no. Q. What did you tell Mr. Carter the 11:41:28 reason for his layoff? A. Well, Mr. Carter did want a leave of absence which he took on his own and, you know, I explained to him that his he would sleep on duty regularly and he would brag about it. And I explained to him, you just
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type of situation that would go on with Mr. Fiorillo.  11:39:58  Q. When was that incident? A. It might have been in 2004. Q. And did you ever speak to Chief Paradiso about that? A. About that specifically, no. 11:40:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation? A. Not inside the room, no. Q. What did you tell Mr. Carter the 11:41:28 reason for his layoff? A. Well, Mr. Carter did want a leave of absence which he took on his own and, you know, I explained to him that his he would sleep on duty regularly and he would brag about it. And I explained to him, you just had twins, you have a full-time job, then you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type of situation that would go on with Mr.  Fiorillo. 11:39:58  Q. When was that incident? A. It might have been in 2004. Q. And did you ever speak to Chief  Paradiso about that? A. About that specifically, no. 11:40:04 Q. How come? A. Because I didn't find it necessary. Q. But that was one of the reasons	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation? A. Not inside the room, no. Q. What did you tell Mr. Carter the 11:41:28 reason for his layoff? A. Well, Mr. Carter did want a leave of absence which he took on his own and, you know, I explained to him that his he would sleep on duty regularly and he would brag about it. And I explained to him, you just had twins, you have a full-time job, then you come into Ocean Beach to sleep. It is not fair to me and the other officers, that he
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse justified enough to speak to the individual officer. But one that there was one night in particular, I don't remember the date, it was probably in 2004, we had a possible rape 11:39:27 investigation going on, we were backed up on paperwork and I asked him stop writing summonses, you are backing up the log, you are tying up the radio.  I had to take him off his post, 11:39:42 take a post in front of the police station, and he subsequently started to write more summonses. He just that was a regular type of situation that would go on with Mr. Fiorillo. 11:39:58  Q. When was that incident? A. It might have been in 2004. Q. And did you ever speak to Chief Paradiso about that? A. About that specifically, no. 11:40:04 Q. How come? A. Because I didn't find it necessary.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse told him I didn't believe him, and that he should just move on and we shook hands and parted ways.  Q. Anything else discussed during 11:41:08 that meeting? A. No. Q. Where was that meeting held? A. That was a one-on-one conversation that he and I had in the what is called the 11:41:14 boat house in Ocean Beach. Q. So there was nobody else during that conversation? A. Not inside the room, no. Q. What did you tell Mr. Carter the 11:41:28 reason for his layoff? A. Well, Mr. Carter did want a leave of absence which he took on his own and, you know, I explained to him that his he would sleep on duty regularly and he would brag 11:41:53 about it. And I explained to him, you just had twins, you have a full-time job, then you come into Ocean Beach to sleep. It is not

	Page 627	7 Page 629
1	Hesse	1 Hesse
2	I just told him, I said maybe it	2 A. Specifically yes, he should not be
3	is best that you just concentrate on your	3 sleeping on duty.
	family life, concentrate on your job and just	4 Q. I am asking is that what you told
_	move on. 11:42:19	5 him specifically? 11:43:49
6	Q. Did you ever witness him sleeping	6 MR. CONNOLLY: Using that specific
	on the job?	7 word.
8	A. Yes.	8 A. I may have used the word
9	Q. How many times?	9 directive, failed to follow directive of not
10	A. Over 16 years of working with him, 11:42:24	10 to sleep on duty. I may have said that, yes. 11:43:56
	I don't know, a handful.	11 Q. I just want to be clear, you told
12	Q. Did you ever write him up for it?	12 him that his sleeping was the reason why you
13	A. No.	13 were terminating him?
14	Q. How come?	14 A. Yes.
15	A. Because I didn't find it necessary 11:42:33	15 Q. Was anybody else there when you 11:44:06
		16 told him that?
16	to write him up for it.	17 A. No, that was a one-on-one
	Q. Did you ever speak with Ed	18 conversation.
	Paradiso about Mr. Carter's sleeping on the	
	job?	<b>Q</b> . — <b>J</b> •
20	A. I don't specifically recall. 11:42:45	20 was the reason that you were terminating Ed 11:44:16
21	Q. Did you ever speak with any of the	21 Carter?
	prior chiefs that you worked under did you	22 A. Yes.
	work under any other prior chiefs?	23 Q. Did you tell Paul Trosko that that
24	A. No.	24 was the reason why you were terminating Mr.
25	Q. So you don't recall ever speaking 11:42:53	3   25   Fiorillo? 11:44:29
	Page 628	Page 630
1	Hesse	1 Hesse
	with Mr. Paradiso about your allegation that	2 A. Yes.
	Mr. Carter slept?	3 Q. Did you tell anyone on the Board
4	A. No.	4 of Trustees to whom you sent the memo to that
5		5 the reason that you fired Ed Carter was 11:44:35
	Q. Did you ever counsel him about his 11:43:01 sleeping.	6 because he was sleeping?
7	A. I spoke to him about it.	
		7 A I don't know if Lenecifically
	_	7 A. I don't know if I specifically.
8	Q. How many times?	8 Q. Did you tell anyone on the Board
9	<ul><li>Q. How many times?</li><li>A. I don't recall.</li></ul>	8 Q. Did you tell anyone on the Board 9 of Trustees that the reason why you fired
9 10	<ul><li>Q. How many times?</li><li>A. I don't recall.</li><li>Q. Was anybody present during these 11:43:09</li></ul>	8 Q. Did you tell anyone on the Board 9 of Trustees that the reason why you fired 10 Frank Fiorillo was due to his insubordination? 11:44:45
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Hesse   2 and I believe in conversation I had said   3 something to Maryann Minerva, the Village   2 Clcrk.   5 Q. As to the reason why?   11:45:28   3 don't know.   6 A. Yes.   6 A. Yes.   7 Q. When was that?   8 A. I don't recall the dates.   7 Q. When was that?   8 A. I don't recall the dates.   8 termination at that point in time?   9 Q. Was it before or after you told   10 them that you were terminating him?   11:45:35   11:45:35   12 Q. How long after?   13 A. I believe it was after fire of 14:45:40   12 Q. Was it days, weeks, months, years?   14 Q. Was it days, weeks, months, years?   15 A. It could have been all of them   11:45:40   12 Q. Which one?   13 Q. When was the first time that you were termination at that point in time?   12:47:41   13 Q. Whe worm you became a   12 suspervisor?   13 A. Pobably after I wow the course, time after time of talking   24 and sent the memo on to them.   24 and sent the memo on to them.   25 Q. How long after?   11:46:04   24 you. He left, he didn't put anything in writing, took a in angry individual. He abuses the people that I 1:46:31   14 he deals with, that he came in contact with?   14 hought that it was best that he moved on with that kern alm and the came in contact with?   14 hought that it was best that he moved on with that kern and many and windfulad. He abuses the people that I 1:46:31   14 he deals with, that he came in contact with?   14 hought that it was best that he moved on with that kern and many and windfulad. He abuses the people that I 1:46:31   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-time job. I 1:46:46   15 his career and stayed at his full-	1	Hesse less he thought it wasn't a big deal, I
2 Sol guess he thought it wasn't a big deal, I don't know.  Q. When was the first time that Kevin 11:45:28 A. I don't recall the dates. Q. Was it before or after you told 10 them that you were terminating him? 11:45:35 A. I don't know. 12 Q. Word was it days, weeks, months, years? 13 A. I don't know. 14 Q. Was it days, weeks, months, years? 15 A. It could have been 11:45:40 G. Which one? 16 Q. Which one? 17 A. It could have been all of them 18 over the course, time after time of talking 19 about this. I don't know. 19 Q. When was the first time that you 11:45:49 11 informed Maryann Minerva of the reasons that 22 you terminated the five plaintiffs? 23 A. Probably affer I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 11:46:04  Page 6:32  Page 6:32  Page 6:32  Page 6:32  Page 6:34  Hesse 1 Hesse 1 Hesse 1 Hesse 2 A. I don't recall. Q. Why did you terminate Kevin Lamm? A. You know, Kevin is — that is a unique situation. This guy left on his own, 11:46:14 6 never put anything in writing, took a full-time job. He didn't work of for six or eight months. You know, he is an an ungry individual. He abuses the people that 11:46:31 1 he deals with, that he came in contact with. 1 Hess another one that could be an in contact with? 1 He was another one that could be an insubordinate every once in a while. I just the was not my obtained the post of his potter on and stayed at his full-time job. He didn't work of full-time job. He didn't work of that Kevin Lamm encember. Q. Did you ever report to Ed Paradiso that know that it was best that he moved on with this his career and stayed at his full-time job. 11:46:46 Q. Did you ever report to Ed Paradiso that know this his career and stayed at his full-time job. He didn't work for his employment he wasn't showing up to end of his pottice of the you for effers was abusing people?  Page 6:32 Q. Why did you terminate Kevin Lamm? A. You know, Kevin is — that is a unique situation. This guy left on his own, 11:46:46 Q. Did you ever report to Ed Paradiso that the	2   and I believe in conversation I had said   3   something to Maryann Minerva, the Village   3   don't k   4   Clerk.   5   Q. As to the reason why?   11:45:28   5   Lamn   6   A. Yes.   6   A. Yes.   6   A.   Q. When was that?   7   Q. When was that?   7   Q. Was it before or after you told   9   A.   1   don't recall the dates.   9   Q. Was it before or after you told   11:45:35   10   just a label of them that you were terminating him?   11:45:35   11   Q.   G. Was it days, weeks, months, years?   14   Q. Was it days, weeks, months, years?   14   Q. Was it days, weeks, months, years?   14   Q.   Which one?   16   A.   It could have been   11:45:40   15   termin   16   Q. Which one?   16   A.   A.   It could have been all of them   17   and it worthe course, time after time of talking   about this. I don't know.   19   allege   20   A.   21   Q.   wold the first time that you   11:45:49   20   A.   21   Q.   vou terminated the five plaintiffs?   22   Kevin   23   A.   Probably after I wrote the memo   23   A.   You know, Kevin is that is a   unique situation. This guy left on his own,   11:46:14   never put anything in writing, took a   full-time job somewhere else. I kind of heard   that he got a full-time job. He didn't work   for six or eight months. You know, he is an   angry individual. He abuses the people that   11:46:31   he deals with, that he came in contact with.   11   remem   12   Q.   Did you ever report to Ed Paradiso   14   end of   that Kevin Lamm allegedly abused people who he   came in contact with?   14   end of   that Kevin Lamm allegedly abused people who he   came in contact with?   15   converting the came in contact with?   16   converting terminate   17   person.   18   funnyl   19   converting terminate   19   converting termina	ness he thought it wasn't a big deal, I
2 Sol guess he thought it wasn't a big deal, I 3 conthing to Maryann Minerva, the Village 4 Clerk. 5 Q. As to the reason why? 11:45:28 6 A. Yes. 7 Q. When was that? 8 A. I don't recall the dates. 9 Q. Was it before or after you told 10 them that you were terminating him? 11:45:35 11 A. I believe it was after. 12 Q. How long after? 13 A. I don't know. 14 Q. Was it days, weeks, months, years? 15 A. It could have been 11:45:40 16 Q. Which one? 17 A. It could have been all of them 18 over the course, time after time of talking 19 about this. I don't know. 21 Q. When was the first time that you 11:45:49 21 informed Maryann Minerva of the reasons that 22 you terminated the five plaintiffs? 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 11:46:04 2 I Hesse 1 Hesse 2 A. I don't know. 2 Page 6:32 1 Hesse 2 A. I don't recall. 3 Q. Why did you terminate Kevin Lamm? 4 A. You know, Kevin is — that is a unique situation. This guy left on his own, 11:46:14 6 never put anything in writing, took a full-time job. He didn't work of an angry individual. He abuses the people that 11:46:31 1 he deals with, that he came in contact with. 4 thought that it was best that he moved on with his is career and stayed at his full-time job. He didn't work of that Kevin Lamm here. 20 Q. Which was the people that 11:46:31 1 he deals with, that he came in contact with? 3 in subordinate every once in a while, I just the work that the work of that Kevin Lamm here. 3 insubordinate every once in a while, I just that the moved on with his his career and stayed at his full-time job. 11:46:46 4 (Q. Did you ever report to Ed Paradiso that Kacvin Lamm due to the latt was destinated by a buse place of the pole of the you fole officers was abusing people?  2 Q. Doy ou think that would have been 11:46:57 2 (Q. Doy ou think that would have been 11:46:57 2 (Q. Doy ou think that would have been 11:46:57 2 (Q. Doy ou think that would have been 11:46:57 2 (Q. Doy ou think that would have been 11:46:57 3 (A. Probably af	2   and I believe in conversation I had said   3   something to Maryann Minerva, the Village   3   don't I   4   Clerk.   4   Q.	ness he thought it wasn't a big deal, I
3 something to Maryann Minerva, the Village 4 Clerk. 5 Q. As to the reason why? 11:45:28 6 A. Yes. 7 Q. When was that? 8 A. I don't recall the dutes. 8 A. I don't recall the dutes. 10 them that you were terminating him? 11:45:35 11 A. I believe it was after. 12 Q. How long after? 13 A. I don't know. 14 Q. Was it days, weeks, months, years? 15 A. It could have been. 11:45:40 16 Q. Which one? 17 A. It could have been all of them 18 over the course, time after time of talking 19 about this. I don't know. 20 Q. When was the first time that you 11:45:49 21 informed Maryann Minerva of the reasons that 22 you terminated the five plaintiffs? 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 26 A. I don't recall. 3 Q. Why did you terminate Kevin Lamm? 27 A. It could have been all of them 28 over the course, time after time of talking 29 about this. I don't know. 20 Q. When was the first time that you 11:45:49 21 informed Maryann Minerva of the reasons that 22 you terminated the five plaintiffs? 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 26 A. I don't know. 27 Q. Why did you terminate Kevin Lamm? 28 A. Just exactly how I explained it to 29 you. How long after? 29 A. I don't know. 20 Q. Why did you terminate Kevin Lamm? 20 A. Just exactly how I explained it to 21 you. termination at that tyou were terminating him? 22 A. I don't know. 23 A. Just exactly how I explained it to 24 you. terminated the five don't home. 25 Q. How long after? 26 A. I don't know. 27 A. I don't know. 28 A. We had some conversations. 29 Q. How was not my job to terminate him. 30 Q. Hav that the meno on to them. 31 instruction at that time? 31 A. I don't know. 31 A. We had some conversations. 31 A. We had some conversation by to terminate him. 32 A. Just exactly how I explained it to 34 A. I don't know. 35 A. Just exactly how I explained it to 36 Vevin Lamm that you were terminating him? 36 A. No. 37 A. No. 38 A. We had some conversations. 39 A. I don't know.	3	•
4 Clerk.  Q. As to the reason why? 11:45:28 6 A. Yes.  7 Q. When was that? 8 A. I don't recall the dates. 9 Q. Was it before or after you told 11:45:35 11 A. I believe it was after. 12 Q. How long after? 12 Q. Was it days, weeks, months, years? 13 A. I don't know. 14 Q. Was it days, weeks, months, years? 15 A. It could have been all of them 16 Q. Which one? 17 A. It could have been all of them 17 over the course, time after time of talking 18 about this. I don't know. 20 Q. When was the first time that you 11:45:49 21 informed Maryann Minerva of the reasons that 22 you terminated the first time that you 11:45:49 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 29 A. I don't know. 20 Q. When was the first time that you transition at that time? 20 Q. How long after word the memo 21 about this. I don't know. 22 Q. Which one? 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 26 A. I don't know. 27 A. It don't know. 28 A. I don't know. 29 Q. When was the first time that you told 29 (Q. How come you didn't ask for his termination at that time? 30 Q. How come you didn't ask for his termination at that time? 31 A. I don't know. 32 Q. How come you didn't ask for his termination at that time? 34 A. Yeo has ome conversations. 35 Q. How come you didn't ask for his termination at that time? 36 Q. How come you didn't ask for his termination at that time? 37 A. It could have been all of them 38 a transition at that time? 39 A. Boot this, I don't know. 30 Q. How come you didn't ask for his termination at that time? 31 A. I don't know. 31 Q. How come you didn't ask for his termination at that time? 32 Q. How come you didn't ask for his termination at that time? 34 Q. Were there based memo at the minery of them over the outs and them them over the outs and them time? 36 A. I don't know. 37 A. I ton't know. 38 A. I ton't know. 39 A. Jou know yee in the memo and that time? 39 A. Just exactly how I explained it to yee you terminate Kevin Lamm? 40	4 Clerk.      Q. As to the reason why? 11:45:28	IIOW.
5   Q. As to the reason why?   11:45:28   5   Lamm abused somebody?   11:47:21     6   A. Yes.   6   A. Idon't know. Idon't recall.     7   Q. When was that?   7   Q. How come you didn't ask for his termination at that point in time?   9   A. I worked with Kevin when I was     10   them that you were terminating him?   11:45:35   10   Just a PO, it was not my job.   11:47:33   11   Q. Was it days, weeks, months, years?   13   A. It could have been   11:45:40   15   Q. Which one?   16   Q. Which one?   16   Q. Which one?   16   Q. Which one?   17   A. It could have been all of them   18   over the course, time after time of talking   about this. I don't know.   11:45:49   18   over the course, time after time of talking   20   when was the first time that you   11:45:49   21   informed Maryann Minerva of the reasons that   22   you terminated the first plaintiffs?   23   A. Probably after I wrote the memo   24   and sent the memo on to them.   25   Q. How long after?   11:46:04   22   Why did you terminate Kevin Lamm?   23   A. Just exactly how I explained it to   24   you. He was another one that could be   3   insubordinate every once in a while. I just   4   thought that it was beet hat he mono on to that one capit months. You know, Kevin isthat is a   5   unique situation. This guy left on his own, I1:46:14   6   never put anything in writing, took a   full-time job somewhere less. I kind of heard   5   for six or eight months. You know, ke is an   1   13:46:31   1   he deals with, that he came in contact with.   15   his career and stayed at his full-time job. II:36:46   Q. Did you ever report to Ed Paradiso   11:46:57   The was another one that could be   11:46:51   12   He was another one that could be   11:46:51   12   G. Do you think that would have been   11:46:51   12   G. Do you think that would have been   11:46:40   12   volume the wasn't showing up to   vork, he was giving other guys his tours   11:48:44   vithought that it was beet to budget cuts   11:48:40   12   volume the wasn't showing u	S	When was the first times that Varie
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14   Q. Was it days, weeks, months, years?   1.14   C. How come you didn't ask for his termination at that time?   11:47:41   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25   1.25	14 Q. Was it days, weeks, months, years? 15 A. It could have been. 11:45:40 16 Q. Which one? 17 A. It could have been all of them 18 over the course, time after time of talking 19 about this. I don't know. 19 allege 20 Q. When was the first time that you 11:45:49 21 informed Maryann Minerva of the reasons that 22 you terminated the five plaintiffs? 23 A. Probably after I wrote the memo 24 and sent the memo on to them. 25 Q. How long after? 11:46:04 25 writing  Page 632  1 Hesse 2 A. I don't recall. 2 Q. Why did you terminate Kevin Lamm? 3 Q. Why did you terminate Kevin Lamm? 4 A. You know, Kevin is that is a 5 unique situation. This guy left on his own, 11:46:14 6 never put anything in writing, took a 7 full-time job somewhere else. I kind of heard 8 that he got a full-time job. He didn't work 9 for six or eight months. You know, he is an 10 angry individual. He abuses the people that 11:46:31 11 he deals with, that he came in contact with. 12 He was another one that could be 13 insubordinate every once in a while. I just 14 thought that it was best that he moved on with 15 his career and stayed at his full-time job. 11:46:46 16 Q. Did you ever report to Ed Paradiso 17 person: 18 funny bears.	
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20 <b>Q.</b> Do you think that would have been 11:46:57 21 important to tell the Chief of Police that one 22 of his police officers was abusing people?  20 was letting him go or anything. He just kind 11:49:00 21 of faded away, and I had no hours available 22 for him, and I just didn't put him back on the		ceause i never nau a specific
21 important to tell the Chief of Police that one   21 of faded away, and I had no hours available   22 of his police officers was abusing people?   21 of faded away, and I had no hours available   22 for him, and I just didn't put him back on the	IZV - T. INIVIII IIIIIK IIIXI WIIIIII IIXVE NEELI TI'AN'SI IZU WAXTEI	ation with Tommy about saving that I
22 of his police officers was abusing people? 22 for him, and I just didn't put him back on the	I	· · · · · · · · · · · · · · · · · · ·
	l •	ting him go or anything. He just kind 11:49:00
102 A Vac wa had convergations we had		ting him go or anything. He just kind 11:49:00 d away, and I had no hours available
· · · · · · · · · · · · · · · · · · ·		ting him go or anything. He just kind 11:49:00 d away, and I had no hours available, and I just didn't put him back on the
24 these conversations. But Ed Paradiso kind of 25 liked these gaves and had a soft anot for them. 11.47.11		ting him go or anything. He just kind 11:49:00 d away, and I had no hours available, and I just didn't put him back on the le. So we never had an official
25 liked these guys and had a soft spot for them. 11:47:11   25 Q. Did you ever write Kevin Lamm up 11:49:14	2.5 liked these guys and had a soft spot for them. 11:47:11   25 Q.	ting him go or anything. He just kind 11:49:00 d away, and I had no hours available, and I just didn't put him back on the le. So we never had an official sation.

1	13	262	
	Page 635		Page 637
1	Hesse	1	Hesse
2	for his alleged abuse?	2	Q. Why did you terminate Joe Nofi?
3	A. I don't recall specifically. I	3	A. Joe Nofi, he was a unique person.
4	don't think so.	4	He just could never concentrate on one thing.
5	Q. Did you ever write him up for 11:49:22	5	His summonses were poor, his appearance was 11:51:38
6	insubordination?	6	poor. It was always a scheduling conflict
7	A. I don't think so.	7	with him. You know, he would be scheduled to
8	Q. Did you ever write him up for	8	work, he wouldn't show up, he would have
9	being angry?	9	somebody else take his tour. I just didn't
10	A. I don't think so, no. 11:49:29	10	want to tolerate it any more, so I asked him 11:51:55
11	Q. When did you tell Mr. Snyder that	11	to move on also.
12	he was being terminated?	12	Q. What were the reasons that you
13	A. I think I just stated, I don't	13	told him that he was being terminated?
14	think I ever actually told him that.	14	A. I just explained that, I gave him
15	•	15	the same jargon that I just give you. That 11:52:05
	Q. Did you meet with him on the dock 11:49:55 one night and asked for his shield and weapon?	16	his appearance was poor, his work was poor,
16 17	A. Yeah, we actually met up when I	17	his attitude was poor. His interaction with
I			people was really poor.
18	was working for the harbor police and he was	18	
19	working for the town. I actually met him at	19	Q. Did you ever write him up for his
20	the Maple Avenue dock. I needed I actually 11:50:11	20	poor summonses? 11:52:23
21	needed his weapon back so I could get somebody	21	A. No.
22	else qualified on the Glock, because I was	22	Q. Did you ever write him up for a
23	short weapons. But I don't know if he	23	poor appearance?
24	specifically turned in his shield that day	24	A. No.
25	either. 11:50:29	25	Q. Did you ever write him up for 11:52:29
	Page 636		Page 638
1	Hesse	1	Hesse
2	Q. Did you schedule to meet him	2	scheduling conflicts?
3	there?	3	A. He has been written up for that.
4	A. I think it was like a chance	4	I wouldn't say written up, but advised not to
5	thing, that he was working, I was working and 11:50:35	5	do that. 11:52:37
6	we met up.	6	Q. In writing?
7	Q. Did you run into each other?	7	A. Yes.
8	A. No, I think we communicated	8	RQ Q. I would like to mark the record to
9	somehow, because I might have asked him that I	9	request production of any alleged written
10	needed the weapon back and he knew that I was 11:50:45	10	warning or writings that 11:52:45
	1	1 1	
	working this particular day, so we met up and	1.1	<u> </u>
11	working this particular day, so we met up and he handed over his weapon.	11 12	A. It has been produced.
11 12	he handed over his weapon.	12	<ul><li>A. It has been produced.</li><li>Q. Did you ever write him up for his</li></ul>
11 12 13	he handed over his weapon.  Q. Why did you tell him that you were	12 13	A. It has been produced.  Q. Did you ever write him up for his poor interaction with people?
11 12 13 14	he handed over his weapon.  Q. Why did you tell him that you were terminating him?	12 13 14	<ul> <li>A. It has been produced.</li> <li>Q. Did you ever write him up for his poor interaction with people?</li> <li>A. No.</li> </ul>
11 12 13 14 15	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57	12 13 14 15	<ul> <li>A. It has been produced.</li> <li>Q. Did you ever write him up for his poor interaction with people?</li> <li>A. No.</li> <li>Q. Did you ever discuss any of those 11:52:55</li> </ul>
11 12 13 14 15 16	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being	12 13 14 15 16	<ul> <li>A. It has been produced.</li> <li>Q. Did you ever write him up for his poor interaction with people?</li> <li>A. No.</li> <li>Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso?</li> </ul>
11 12 13 14 15 16 17	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.	12 13 14 15 16 17	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes.
11 12 13 14 15 16 17 18	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him	12 13 14 15 16 17 18	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones?
11 12 13 14 15 16 17 18 19	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted	12 13 14 15 16 17 18 19	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones? A. All of them.
11 12 13 14 15 16 17 18 19 20	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted to Civil Service about the uncertified 11:51:06	12 13 14 15 16 17 18 19 20	<ul> <li>A. It has been produced.</li> <li>Q. Did you ever write him up for his</li> <li>poor interaction with people?</li> <li>A. No.</li> <li>Q. Did you ever discuss any of those 11:52:55</li> <li>issues with Ed Paradiso?</li> <li>A. Yes.</li> <li>Q. Which ones?</li> <li>A. All of them.</li> <li>Q. What was Ed Paradiso's response? 11:53:03</li> </ul>
11 12 13 14 15 16 17 18 19 20 21	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted to Civil Service about the uncertified 11:51:06 officers?	12 13 14 15 16 17 18 19 20 21	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones? A. All of them. Q. What was Ed Paradiso's response? 11:53:03 A. You know, I don't really recall.
11 12 13 14 15 16 17 18 19 20 21 22	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted to Civil Service about the uncertified 11:51:06 officers?  A. Absolutely not.	12 13 14 15 16 17 18 19 20 21 22	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones? A. All of them. Q. What was Ed Paradiso's response? 11:53:03 A. You know, I don't really recall. Q. Isn't it true that you told Joe
11 12 13 14 15 16 17 18 19 20 21 22 23	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted to Civil Service about the uncertified 11:51:06 officers?  A. Absolutely not.  Q. Did he hand over his shield that	12 13 14 15 16 17 18 19 20 21 22 23	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones? A. All of them. Q. What was Ed Paradiso's response? 11:53:03 A. You know, I don't really recall. Q. Isn't it true that you told Joe Nofi that he was being terminated due to
11 12 13 14 15 16 17 18 19 20 21 22	he handed over his weapon.  Q. Why did you tell him that you were terminating him?  A. Well for the third time I don't 11:50:57 think I ever told him that he was being terminated.  Q. Isn't it true that you told him that it was because he was the guy who ratted to Civil Service about the uncertified 11:51:06 officers?  A. Absolutely not.	12 13 14 15 16 17 18 19 20 21 22	A. It has been produced. Q. Did you ever write him up for his poor interaction with people? A. No. Q. Did you ever discuss any of those 11:52:55 issues with Ed Paradiso? A. Yes. Q. Which ones? A. All of them. Q. What was Ed Paradiso's response? 11:53:03 A. You know, I don't really recall. Q. Isn't it true that you told Joe

		263	
	Page 639		Page 641
1	Hesse	1	Hesse
2	Q. Isn't it true that you told him on		job performance. He seemed to be angry with
3	that day that he is not like the other four	_	some of the other employees, and I thought it
4	assholes that you were terminating?		was just best that he move on at that time.
5			-
	<b>5</b>	5	Q. Which other employees was he angry 11:55:16 with?
6	Q. You told him he was a good man and		
7	a good father?	7	A. Oh God. Ty Bacon, the Bosetti
8	A. No.		brothers, Arnie Hardman. Anybody that came on
9	Q. Was anyone else present when you		from the City job that came on to our job for
10	told Joe Nofi the reasons for his termination? 11:53:37		some reason he had some kind of disdain toward 11:55:32
11	A. No.		City cops, and it was just becoming an issue.
12	MR. NOVIKOFF: I don't think you	12	Q. Is that one of the reasons that
13	asked that question with regard to the		you terminated him?
14	other plaintiffs.	14	A. It was one of the reasons why,
15	Q. Was anyone else present when you 11:53:43		yes. 11:55:43
16	informed Mr. Lamm that he was terminated?	16	Q. Did he tell you why he didn't like
17	A. No.		the Bosetti's or Bacon or Hardman?
18	Q. Was anyone else present when you	18	A. Well there were comments being
19	told Mr. Fiorillo that he was terminated?		made by him and Carter about City cops because
20	A. No. 11:53:57	20 ]	I think their boss on their job was a retired 11:55:54
21	Q. Was anyone else present on the	21 (	City cop that just got in trouble on their
22	docks the night that you spoke to Mr. Snyder	22 j	job, and for some reason they just hated City
23	about returning his weapon and shield?	23 (	cops.
24	A. It was a day shift, but no.	24	Q. They told you that?
25	Q. Was anyone else present at the 11:54:07	25	A. Who is they? 11:56:09
	Page 640		Page 642
	Page 640		Page 642
1	Hesse	1	Hesse
2	Hesse time that you told Carter the reasons for his	2	Hesse Q. Mr. Snyder and I guess Ed Carter?
2	Hesse time that you told Carter the reasons for his termination?	2 3	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that.
2 3 4	Hesse time that you told Carter the reasons for his termination? A. No.	2 3 4	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't
2	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12	2 3 4 5	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19
2 3 4 5 6	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that	2 3 4 5 1	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19 A. I don't know if it was entirely
2 3 4 5 6 7	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that you were terminating their employment?	2 3 4 5 6 7	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19 A. I don't know if it was entirely specifically that reason, but that was
2 3 4 5 6 7 8	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that you were terminating their employment? A. I thought it was the best way to	2 3 4 5 6 7 8	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19 A. I don't know if it was entirely specifically that reason, but that was definitely part of it.
2 3 4 5 6 7 8 9	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come to the meeting on April 2nd to tell them that you were terminating their employment? A. I thought it was the best way to just get all the equipment back and be able to	2 3 4 5 1 6 7 8 9	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19 A. I don't know if it was entirely specifically that reason, but that was definitely part of it. Q. Did you ever speak to the
2 3 4 5 6 7 8 9	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that you were terminating their employment? A. I thought it was the best way to just get all the equipment back and be able to just have a sit down with them and tell them 11:54:29	2 3 4 5 1 6 7 8 9	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? 11:56:19 A. I don't know if it was entirely specifically that reason, but that was definitely part of it. Q. Did you ever speak to the Bosetti's about their feelings for Snyder? 11:56:27
2 3 4 5 6 7 8 9 10	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that you were terminating their employment? A. I thought it was the best way to just get all the equipment back and be able to just have a sit down with them and tell them 11:54:29 what was going on.	2 3 4 5 6 7 8 9 10	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? A. I don't know if it was entirely specifically that reason, but that was definitely part of it. Q. Did you ever speak to the Bosetti's about their feelings for Snyder? MR. NOVIKOFF: Objection.
2 3 4 5 6 7 8 9 10 11	Hesse time that you told Carter the reasons for his termination? A. No. Q. Why did you wait for them to come 11:54:12 to the meeting on April 2nd to tell them that you were terminating their employment? A. I thought it was the best way to just get all the equipment back and be able to just have a sit down with them and tell them 11:54:29 what was going on. Q. Did you think that it would be	2 3 4 5 6 7 8 9 10 11 12	Hesse Q. Mr. Snyder and I guess Ed Carter? A. Yes, they had told me that. Q. And they told you that they didn't like the Bosetti's because of that reason? A. I don't know if it was entirely specifically that reason, but that was definitely part of it. Q. Did you ever speak to the Bosetti's about their feelings for Snyder? MR. NOVIKOFF: Objection. Foundation.
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Some that they thought it was a set up?   11:57:03   5   A. I don't know.   11:58:51	3	A. No.	3	Q. What Richard Bosetti's reaction
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Q. Do you recall what Gary Bosetti's seconds.  23 reaction was when you told him that the plaintiffs were terminated?  24 plaintiffs were terminated?  25 seconds.  27 THE VIDEOGRAPHER: The time is 12:02, we are off the record.			20	· · · · · · · · · · · · · · · · · · ·
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24 <b>plaintiffs were terminated?</b> 24 12:02, we are off the record.		- •		
<u>-</u>		•		
25 A. What his specific reaction was, 11:58:49   25 (Recess taken.) 12:00:28		•		
(230000 40000)	$\sim$ -	A. What his specific reaction was, 11:58:49	25	(Recess taken.) 12:00:28

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	Page 647		Page 649
1	Hesse	1	Hesse
2	THE VIDEOGRAPHER: The time is	2	A. Because I didn't like them very
3	12:15, we are on the record.	3	much at that point.
4	Q. Is there something that you wanted	4	Q. Who did you call them mutts to?
5	to add? 12:13:45	5	A. I don't recall. I don't know. 12:16:02
6	A. You had asked about hiring	6	Q. I am going to play an audio again,
7	full-time police officers?	7	previously produced, I want to identify the
8	Q. Right.	8	voices on the audio.
9	A. Trosko was one, but we hired	9	
10	another officer, Frank Foti, he might have 12:13:53	10	(Audio played.) Q. Do you recognize the voices on 12:16:38
11	been at the end of 2006 or 2007.	l	• •
12		11	that audio recording?
	Q. Sir, isn't it true that after you		A. Was that me, it didn't really
13	terminated the plaintiffs that you threatened	13	sound like me.
14	that Kevin Lamm, Frank Fiorillo and Joe Nofi's	14	MR. CONNOLLY: Can you play that
15	law enforcement careers are over? 12:14:17	15	again? 12:16:47
16	MR. NOVIKOFF: That day or	16	A. You got to turn that up a little
17	subsequent?	17	bit.
18	Q. At any point?	18	Q. Sure.
19	MR. NOVIKOFF: Objection to the	19	(Audio played.)
20	form of the question. 12:14:25	20	Q. Do you recognize the voices in 12:17:15
21	MR. CONNOLLY: Objection.	21	that audio?
22	A. Yes, I did say that.	22	A. Yes, it was Eddie Carter.
23	Q. When did you say that?	23	Q. And who else?
24	A. I believe I said it to Eddie	24	A. I believe it was me.
25	Carter on the phone. 12:14:34	25	Q. Any reason to believe it is not 12:17:30
	Page 648		Page 650
1	Page 648 Hesse	1	Page 650 <b>Hesse</b>
	Hesse	1 2	Hesse
1 2 3	Hesse Q. When was that?	l	
2	Hesse Q. When was that? A. I don't remember the date.	2	Hesse you? A. No.
2 3 4	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that?	2 3	Hesse you? A. No. Q. Did you ever provide any
2 3 4 5	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40	2 3 4	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the 12:17:34
2 3 4	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions?	2 3 4 5	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their
2 3 4 5 6	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to	2 3 4 5 6	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the 12:17:34
2 3 4 5 6 7 8	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough	2 3 4 5 6 7	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?
2 3 4 5 6 7	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough.	2 3 4 5 6 7 8	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral?
2 3 4 5 6 7 8 9	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54	2 3 4 5 6 7 8	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the 12:17:34 plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49
2 3 4 5 6 7 8 9 10	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring	2 3 4 5 6 7 8 9 10	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?
2 3 4 5 6 7 8 9 10 11	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this	2 3 4 5 6 7 8 9 10 11	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any
2 3 4 5 6 7 8 9 10 11 12 13	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.	2 3 4 5 6 7 8 9 10	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references.
2 3 4 5 6 7 8 9 10 11 12 13	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case. (Audio played).	2 3 4 5 6 7 8 9 10 11 12 13	Hesse you?  A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral? Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse you?  A. No.  Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral?  Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?  Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the form either way. 12:17:59
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse you?  A. No.  Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral?  Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?  Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the form either way. 12:17:59  A. Boy that is confusing.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse you?  A. No.  Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral?  Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?  Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the form either way. 12:17:59  A. Boy that is confusing. Yes, I believe all my responses
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse you?  A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral?  Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?  Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself. 12:15:33 Q. Did you ever call Mr. Fiorillo,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06 A. Specifically maybe two.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself. 12:15:33 Q. Did you ever call Mr. Fiorillo, Mr. Nofi and Mr. Snyder mutts?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06 A. Specifically maybe two. Q. Do you recall what jobs they were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself. 12:15:33 Q. Did you ever call Mr. Fiorillo, Mr. Nofi and Mr. Snyder mutts? A. Yes. I think in my second day of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06 A. Specifically maybe two. Q. Do you recall what jobs they were for?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself. 12:15:33 Q. Did you ever call Mr. Fiorillo, Mr. Nofi and Mr. Snyder mutts? A. Yes. I think in my second day of testimony I might have said that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse you?  A. No.  Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach?  MR. NOVIKOFF: Or neutral?  Q. Or neutral?  MR. CONNOLLY: Or did he respond 12:17:49 to any request for references?  Q. Yes, or actively provide any references.  MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral.  Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06 A. Specifically maybe two. Q. Do you recall what jobs they were for?  A. Southhampton either village or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse Q. When was that? A. I don't remember the date. Q. Why did you tell him that? A. I was just angry at their actions. 12:14:40 Q. What actions? A. Going to Civil Service, trying to get me in trouble. You know, when is enough enough. Q. I want to play the audio just to 12:14:54 identify that that is what you are referring to. This has been previously produced in this case.  (Audio played). Do you recognize the voices in 12:15:24 that conversation? A. Yes. Q. Who are those voices? A. That would be Eddie Carter and myself. 12:15:33 Q. Did you ever call Mr. Fiorillo, Mr. Nofi and Mr. Snyder mutts? A. Yes. I think in my second day of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse you? A. No. Q. Did you ever provide any references, good or bad, for any of the plaintiffs in the case subsequent to their employment at Ocean Beach? MR. NOVIKOFF: Or neutral? Q. Or neutral? MR. CONNOLLY: Or did he respond 12:17:49 to any request for references? Q. Yes, or actively provide any references. MR. CONNOLLY: Objection to the form either way. 12:17:59 A. Boy that is confusing. Yes, I believe all my responses were neutral. Q. How many responses did you provide on behalf of Frank Fiorillo? 12:18:06 A. Specifically maybe two. Q. Do you recall what jobs they were for?

13266	
Page 651	Page 653
1 Hesse 1	Hesse
	that conversation to the sergeant or
I I	lieutenant who you spoke with?
4 Southampton with respect to Mr. Fiorillo?	A. The conversations were very brief
5 A. I believe there was a sergeant 12:18:32	and I stated dates of employment only, that is 12:20:16
$\mathcal{E}$	it. I don't believe I put anything in writing
<u> </u>	for them.
7 <b>Q. Do you remember his name?</b> 7 8 A. No.	Q. Did you tell them that Mr.
	Fiorillo was terminated?
9 Q. Was it Scott Foster, does that 10 ring a bell? 12:18:38	A. No. 12:20:28
11 A. No.	Q. Did you explain to him why you
	couldn't provide any additional information?
	A. No.
Tive Turbing State and thing.	Q. Did you explain to the person at
	Southampton that you spoke with why you 12:20:35
	wouldn't provide any additional information?  A. I don't believe I ever did.
18 to put that in writing which I did, and I sent	Q. Did you ever speak to anyone or
•	communicate with anyone in the Northport Bay
	Police Department with respect to Mr. 12:20:48
, , , , , , , , , , , , , , , , , , ,	Fiorillo?
22 A. I don't think I did, no.	A. Northport, no.
23 Q. Did you tell him that Mr. Fiorillo	Q. How about Huntington Bay Police
	Department?
25 A. No. 12:19:11 25	A. Mr. Fiorillo, no. 12:20:54
Page 652	Page 654
1 Hesse 1	Hesse
2 Q. Do you recall anything else that	Q. How about Quogue Village Police
3 you discussed with the sergeant from 3	Department?
4 Southampton?	A. No. Quogue, no.
5 A. No. 12:19:19 5	Q. How about anyone with respect to 12:21:04
6 Q. Do you recall when that	the Village of Babylon?
7 conversation happened?	A. No.
8 A. No, I don't.	Q. Code Enforcement Officer?
9 Q. Do you recall whether it was days,	A. No.
10 weeks, months, years after you terminated Mr. 12:19:28   10   11   Fiorillo?	Q. Did you ever speak with anyone at 12:21:11 the Town of Brookhaven with respect to Mr.
12 A. Definitely was not years. It	Fiorillo?
12 A. Definitely was not years. It 13 could have been a few weeks maybe. I don't 13	A. No.
I · · · · · · · · · · · · · · · · · · ·	A. No.  Q. Did you ever provide any
I ] 4 know I don't recall	O. Diu you ever provide aliy
14 know. I don't recall. 14	
15 Q. Who at the Riverhead Police 12:19:39	references or respond to any request for 12:21:24
15 Q. Who at the Riverhead Police 12:19:39 15 16 Department did you speak with with respect to 16	references or respond to any request for 12:21:24 references on behalf of Mr. Snyder?
15 Q. Who at the Riverhead Police 12:19:39 15 16 Department did you speak with with respect to 16 17 Mr. Fiorillo? 17	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr.
15 Q. Who at the Riverhead Police 12:19:39 15 16 Department did you speak with with respect to 16 17 Mr. Fiorillo? 17 18 A. Like I said specifically Riverhead 18	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 17 Mr. Fiorillo? 18 A. Like I said specifically Riverhead 19 I wasn't real positive about. For some reason 19	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 16 17 Mr. Fiorillo? 17 18 A. Like I said specifically Riverhead 18 19 I wasn't real positive about. For some reason 19 20 I feel that I had a message from the Chief of 12:19:54 20	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John T. Mather Memorial Hospital? 12:21:41
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 17 Mr. Fiorillo? 18 A. Like I said specifically Riverhead 19 I wasn't real positive about. For some reason 20 I feel that I had a message from the Chief of 12:19:54 21 the Riverhead Police Department that I	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John T. Mather Memorial Hospital? 12:21:41  A. I never got anything from them.
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 17 Mr. Fiorillo? 18 A. Like I said specifically Riverhead 19 I wasn't real positive about. For some reason 20 I feel that I had a message from the Chief of 12:19:54 21 the Riverhead Police Department that I 22 responded back to. I don't think I spoke to	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John T. Mather Memorial Hospital? 12:21:41  A. I never got anything from them. Q. How about the Town of Brookhaven?
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 17 Mr. Fiorillo? 18 A. Like I said specifically Riverhead 19 I wasn't real positive about. For some reason 20 I feel that I had a message from the Chief of 12:19:54 21 the Riverhead Police Department that I 22 responded back to. I don't think I spoke to 23 him, it might have been a sergeant or a	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John T. Mather Memorial Hospital? 12:21:41  A. I never got anything from them. Q. How about the Town of Brookhaven? A. I don't believe I got anything
15 Q. Who at the Riverhead Police 12:19:39 16 Department did you speak with with respect to 17 Mr. Fiorillo? 18 A. Like I said specifically Riverhead 19 I wasn't real positive about. For some reason 20 I feel that I had a message from the Chief of 12:19:54 21 the Riverhead Police Department that I 22 responded back to. I don't think I spoke to	references or respond to any request for references on behalf of Mr. Snyder?  A. I don't believe I got any from Mr. Snyder.  Q. How about with respect to the John T. Mather Memorial Hospital? 12:21:41  A. I never got anything from them. Q. How about the Town of Brookhaven?

	13	267	
	Page 655		Page 657
1	Hesse	1	Hesse
2	anything. I am asking whether you ever	2	that once again just like I reiterated before,
3	communicated with anyone over there with	3	that he had just had twins, I think he over
4	respect to Mr. Snyder?	4	exerted himself. I think he was doing too
5	MR. NOVIKOFF: Objection to the 12:22:00	5	much. That the best thing was to just move 12:24:13
6	form.	6	on.
7	Q. With respect to a potential	7	Q. How come you told Decanio details
8	employment opportunity for Mr. Snyder?	8	of why you terminated Carter, but didn't tell
9	MR. NOVIKOFF: Foundation.	9	for example the Southampton Police Department
10	Objection. 12:22:05	10	details of your termination of Fiorillo? 12:24:26
11	A. I understand what you are asking,	11	A. I know Greg, I am not going to
12	but when I say I have not gotten anything, I	12	sugar coat it with Greg. Greg I know a long
13	don't think I received a phone call or any	13	time. We have done some training together,
14	documentation that said that he was applying	14	and upon Eddie Carter's request I called him.
15	for the job. 12:22:15	15	Q. You called Decanio or he called 12:24:41
16	Q. How about the Suffolk County Park	16	you?
17	Rangers?	17	A. I believe I reached out to him. I
18	A. Suffolk County Park Rangers; no.	18	don't believe Greg ever called me.
19	Q. Did you ever provide any reference	19	Q. Did you ever submit anything in
20	or respond to any request for a reference on 12:22:26	20	writing to Decanio? 12:24:52
21	of Ed Carter?	21	A. No.
22	A. I believe there was only one thing	22	Q. Did you ever submit anything in
23	that came up with Mr. Carter.	23	writing with respect to Ed Carter at all in
24	Q. What came up with Mr. Carter?	24	connection with a reference or in response to
25	A. He called me to ask me if I would 12:22:37	25	a reference to anyone? 12:25:05
	Page 656		Page 658
1	Hesse	1	Hesse
2	give him a reference, it had something to do	2	A. No.
3	with the town and Chief Greg Decanio from the	3	Q. Did you ever provide any
4	Islip Airport Police was going to call me in	4	references or respond to any reference
5	reference to something to do with Eddie 12:22:57	5	requests with respect to Kevin Lamm? 12:25:10
6	Carter, and I told Eddie that I would only	6	A. None.
7	tell them the truth of why he was let go.	7	Q. Never spoke with anyone or
8	Q. Did you speak to Decanio?	8	communicated with anyone at the Lloyd Harbor
9	A. At some point I did, yes.	9	Police Department?
10	MR. NOVIKOFF: Can you spell that? 12:23:14	10	A. I did get a phone call from the 12:25:19
11	THE WITNESS: I have no idea.	11	Chief in Lloyd Harbor.
12	MR. NOVIKOFF: D-E-C-A-N-I-O.	12	Q. So when you said none it is not
13	Q. Did you speak with Decanio before	13	correct?
14	or after you spoke to Carter about Decanio?	14	A. It is correct.
15	A. After. 12:23:35	15	Q. You never spoke with the chief? 12:25:26
16	Q. So Ed didn't call you before and	16	A. I spoke to the chief.
17	say you need to speak with Decanio?	17	Q. Tell me about your call, tell me
18	A. I don't think so. He called me	18	everything you recall in that discussion with
19	first and said that Greg would be calling me	19	the chief from Lloyd Harbor?
	or to have me call Gree and I talled to Gree 17:72:44	20	A. I think he was served with a 12:25:36
20	or to have me call Greg, and I talked to Greg 12:23:44	0 4	1 ' C ' 1' 11
20 21	Decanio after I spoke to Ed Carter.	21	subpoena in reference to this case, and he
20 21 22	Decanio after I spoke to Ed Carter.  Q. What did you tell Greg Decanio?	22	wanted some details about what was going on,
20 21 22 23	Decanio after I spoke to Ed Carter.  Q. What did you tell Greg Decanio?  A. I told Greg that Eddie Carter is a	22 23	wanted some details about what was going on, he didn't understand why. I said that I was
20 21 22	Decanio after I spoke to Ed Carter.  Q. What did you tell Greg Decanio?	22	wanted some details about what was going on,

	13	<b>268</b>	
	Page 659		Page 661
1	Hesse	1	Hesse
2	with the suit, and he recognized I believe	2	Q. How about the Southampton Village
3	Kevin Lamm's name because I think Kevin was on	3	Police Department, did you ever communicate
4	their list for a full-time position. And they	4	with them with respect to Kevin Lamm?
5	gave it to somebody else, but that was 12:26:07	5	A. No. 12:28:02
6	previous to me speaking to them.	6	Q. How about the Northport Village
7	Q. Had you spoken to anyone at Lloyd	7	Police Department, did you ever communicate
8	Harbor prior to them calling you about the	8	with them or anyone there with respect to
9	subpoena?	9	Kevin Lamm?
10	A. No. 12:26:20	10	A. No. 12:28:06
11	Q. Did you tell them the reasons why	11	Q. Did you ever communicate with
12	you were being sued other than for generically	12	anyone at the Town of Islip Airport security
13	wrongful termination?	13	guard group with respect to Kevin Lamm?
14	MR. NOVIKOFF: Objection to the	14	A. No.
15	form. 12:26:27	15	Q. How about Joe Nofi, did you ever 12:28:19
16	A. No.	16	communicate with anyone with respect to a
17	Q. What else did you discuss with the	17	reference or respond to a request for a
18	Lloyd Harbor Chief at that time?	18	reference for Joe Nofi?
19	A. I forget what his name is, but it	19	A. Yes.
20	turns out that he had his start in Ocean Beach 12:26:34	20	Q. Who did you respond to or speak 12:28:28
21	when he was a seasonal police officer. So we	21	with?
22	talked about the good old days with Joe	22	A. I believe I spoke to an
23	Loeffler as chief and the things that went on	23	investigator from the Collier County Sheriff's
24	back in the day.	24	Department in Florida.
25	Q. Anything else? 12:26:58	25	Q. Who did you speak with there? 12:28:42
	Q. This thing else.		Q. Who did you speak with there. 12:20:42
	- , ,		
	Page 660		Page 662
1	Page 660	1	Page 662 <b>Hesse</b>
1 2	Page 660  Hesse A. No.	1 2	Page 662  Hesse A. I don't recall his name.
1	Page 660  Hesse A. No. Q. Did you speak to anyone at	1 2 3	Page 662  Hesse A. I don't recall his name. Q. How long was the conversation?
1 2 3	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin	1 2 3 4	Page 662  Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes.
1 2 3 4 5	Page 660  Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08	1 2 3 4 5	Page 662  Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51
1 2 3 4	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No.	1 2 3 4	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about?
1 2 3 4 5	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the	1 2 3 4 5 6	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill
1 2 3 4 5 6 7	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No.	1 2 3 4 5 6 7	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I
1 2 3 4 5 6 7 8	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department?	1 2 3 4 5 6 7 8	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill
1 2 3 4 5 6 7 8	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No.	1 2 3 4 5 6 7 8	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back.  12:29:12
1 2 3 4 5 6 7 8 9	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15	1 2 3 4 5 6 7 8 9	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back.  12:29:12
1 2 3 4 5 6 7 8 9 10	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm?	1 2 3 4 5 6 7 8 9 10	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back.  12:29:12 Q. Did you fill in any other
1 2 3 4 5 6 7 8 9 10 11	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had	1 2 3 4 5 6 7 8 9 10 11	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections?
1 2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in	1 2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I
1 2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the	1 2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that 12:27:29	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back.  12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that 12:27:29 I would do is confirm dates of employment.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I village Police Department? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I village Police Department? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I village Police Department?  A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I vivil	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no. Q. How come?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County? A. After I responded back by fax 12:30:03
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no. Q. How come? A. I don't think that is what she 12:27:38	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that 12:27:29 I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no. Q. How come? A. I don't think that is what she 12:27:38 wanted, so I wound up not doing it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County? A. After I responded back by fax 12:30:03 there was an investigator who did call me.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police 12:27:15 Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that I village I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no. Q. How come? A. I don't think that is what she 12:27:38 wanted, so I wound up not doing it. Q. Did you ever submit anything in	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County? A. After I responded back by fax 12:30:03 there was an investigator who did call me. Q. Do you recall that investigators
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. No. Q. Did you speak to anyone at Huntington Bay Police Department about Kevin Lamm? 12:27:08 A. No. Q. Did you speak to anyone in the Ashroken Village Police Department? A. No. Q. How about Suffolk County Police Department with respect to Kevin Lamm? A. I believe his investigator had called me and wanted me to put something in writing on why he no longer worked for the department, and I told her the only thing that 12:27:29 I would do is confirm dates of employment. Q. Did you do that in writing? A. I don't believe I ever did, no. Q. How come? A. I don't think that is what she 12:27:38 wanted, so I wound up not doing it. Q. Did you ever submit anything in writing to Suffolk County Police Department	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. I don't recall his name. Q. How long was the conversation? A. A couple of minutes. Q. Tell me everything that you recall 12:28:51 that you spoke to him about? A. Well I was faxed a request to fill out some kind of form for reference, and all I did was confirm dates of employment and faxed it back. 12:29:12 Q. Did you fill in any other sections? A. Specifically I don't recall if I filled out anything else other than that. Q. Did you cross out any of the 12:29:23 sections? A. No. Q. Did you ever speak with anyone from Collier County? A. After I responded back by fax 12:30:03 there was an investigator who did call me. Q. Do you recall that investigators name?

	<u>13</u>	269	
	Page 663		Page 665
1	Hesse	1	Hesse
2	investigator?	2	A. Yes.
3	A. He had asked me if there was any	3	Q. Was it Donohoe?
4	other information that I could provide. I	4	A. Yes.
5	told him no, but I did advise him about the 12:30:17	5	
			Q. He has a date of 9/15/2006, do you 12:32:31 see that?
6	lawsuit against me.	6 7	A. Yes.
	Q. Why did you advise him about the		
8	lawsuit against you?	8	MR. NOVIKOFF: Where is that?
9	A. Because I thought it was pertinent	9	MR. GOODSTADT: On the right side
10	to advise him. 12:30:29	10	next to Donohoe's signature; I am talking 12:32:42
11	Q. Why?	11	about 150.
12	A. Because it is public information	12	MR. NOVIKOFF: I don't see a copy
13	that I am being sued by this individual.	13	on 150.
14	Q. So is it your understanding that	14	MR. GOODSTADT: Let me see your
15	at the time you spoke with the investigator 12:30:40	15	copy. 12:32:54
16	that it was public information that you were	16	MR. NOVIKOFF: I see the comment,
17	being sued?	17	I don't see the signature. Okay, you got
18	A. Yes, it was.	18	it.
19	Q. You actually had been served with	19	Q. You see it is dated 9/15/2006, do
20	a copy of the lawsuit? 12:30:51	20	you see that? 12:33:09
21	A. Yes.	21	A. Yes.
22	Q. Positive about that?	22	Q. Any reason to believe that that
23	A. I am pretty sure, yes.	23	was not the date that you spoke with him?
24	MR. GOODSTADT: Would you mark	24	A. I don't know.
25	this document as Hesse Exhibit 28, 12:31:03	25	Q. In fact 9/15/2006 was six months 12:33:15
	Page 664		Page 666
1	Hesse	1	Hesse
2	Employment, Collier County Sheriff's	2	before you were actually sued; is that
3	Office, Employment Reference Prior	3	correct?
4	Experience.	4	MR. NOVIKOFF: Objection to the
5	(Hesse Exhibit 28, Employment, 12:31:04	5	form of the question. To what you mean 12:33:25
6	Collier County Sheriff's Office,	6	by actually sued.
7	Employment Reference Prior Experience,	7	Q. Sued by Mr. Nofi?
8	marked for identification, as of this	8	MR. CONNOLLY: Same objection.
9	date.)	9	A. Sued or served with a notice of
10	Q. I placed in front of Mr. Hesse 12:31:39	10	claim, I put them together. 12:33:36
11	what has been marked as Exhibit 28, a	11	Q. Did you testify two times, two
12	four-page exhibit bearing Bates CCSO 147	12	sessions ago that you know the difference
13	through 150. I ask you to look at pages 149	13	between a lawsuit and a notice of claim?
14	and 150?	14	A. I might have put them together as
15	A. Okay. 12:32:02	15	far as being served a notice of claim as being 12:33:47
16	Q. Do you recall, turn to page 150,	16	sued.
17	do you see a signature there?	17	Q. Is a notice of claim publicly
18	A. A signature.	18	available information?
19	Q. On the bottom left, do you see	19	A. I don't know.
20	that, it says Denado or Donohoe, do you see 12:32:14	20	Q. So what did you mean before when 12:33:53
21	that signature?	21	you said I thought it was relevant because it
	A. Yes, I do.	22	was publicly available information?
22	11. 105, 1 40.	1	<u> -</u>
22		23	A. Everybody was knowing about it.
	Q. Does that refresh your	23 24	A. Everybody was knowing about it, everybody knew about it at that point.
23 24			<ul><li>A. Everybody was knowing about it,</li><li>everybody knew about it at that point.</li><li>Q. Who is everybody? 12:34:02</li></ul>

	13270
Page 66	67 Page 669
1 Hesse	1 Hesse
2 A. I don't know, it was on the news,	2 is not what I told him.
3 it was everywhere.	3 MR. NOVIKOFF: You can add one
4 Q. It is your testimony that it was	
5 on the news that by the time that you spoke 12:34:10	
	1
	6 logical that if one is no longer working
7 Joe Nofi; is that your testimony?	7 at the department and one is suing for
8 A. I knew it was coming at least.	8 wrongful termination, that that person
9 Q. The question, sir, is at the time	9 has been dismissed or otherwise
10 that you spoke with Mr. Donohoe was it on the 12:34:2	, ,
11 news that you were being sued by Joe Nofi?	You can have one more minute based
12 A. You know what, I just don't	on the colloquy.
13 recall.	13 MR. GOODSTADT: I don't know why
14 Q. And here you testified here you	14 you added the colloquy.
15 wrote or told him at least that you had 12:34:34	MR. NOVIKOFF: I couldn't help 12:36:07
16 dismissed Mr. Nofi; is that correct?	16 myself.
17 MR. CONNOLLY: Objection.	17 Q. Did you ever speak with Nofi about
18 MR. NOVIKOFF: Objection.	18 your discussion with Donohoe or anyone at the
19 A. No.	19 Collier County Sheriff's office?
20 <b>Q.</b> If you look on page 149, he checks 12:34:41	20 A. No. 12:36:20
21 <b>off dismissed?</b>	21 Q. Did you ever let Nofi know that
22 MR. NOVIKOFF: Okay, 149.	22 someone had reached out to you to request a
23 MR. GOODSTADT: Yes.	23 reference on his before?
24 MR. NOVIKOFF: I will stipulate	24 MR. NOVIKOFF: Objection.
25 that on 149 there is a check mark that 12:34:54	25 A. No. 12:36:32
Page 66	68 Page 670
1 Hesse	1 Hesse
2 says dismissed.	2 Q. Did you ever submit anything in
3 Q. Do you recall telling him that you	<b>3 writing to Collier County with respect to</b>
4 dismissed Joe Nofi?	4 <b>Mr. Nofi?</b>
5 A. No. 12:35:00	5 A. I was sent a one-page reference, 12:36:45
6 Q. Then the explanation you see he	6 questionnaire, and I think I only put on there
7 writes, dismissed, applicant presently suing	7 that I confirmed dates of employment.
8 the Police Department for wrongful	8 Q. Did you ever speak with
9 termination. Do you see that?	9 Mr. Donohoe other than for that one telephone
10 A. I do see that, yes. 12:35:08	10 conference that you already testified to? 12:37:12
11 Q. Do you recall telling him that you	11 A. No. I believe that was the only
12 dismissed Mr. Nofi and that he is presently	12 time.
13 suing the Police Department for wrongful	13 Q. Did you ever speak to anyone else
14 termination?	14 from Collier County on behalf of Mr. Nofi?
15 MR. NOVIKOFF: Objection. 12:35:20	15 A. No. 12:37:23
16 Compound.	16 Q. Did you ever speak to anyone in
MR. CONNOLLY: Objection.	17 the Suffolk County Department of Health with
18 A. That is not what I recall telling	18 respect to Joe Nofi?
19 him.	19 A. Yes.
20 Q. What do you recall telling him? 12:35:24	
21 A. I told him that he no longer works	21 A. I don't know when.
22 for the department, and I will confirm dates	22 <b>Q.</b> After his termination?
	1 2 Q. AIWI IIIS WI IIIIII auvii ;
23 of employment and that he is suing the	23 A Ves
23 of employment, and that he is suing the	23 A. Yes.
<ul> <li>of employment, and that he is suing the</li> <li>department for wrongful termination. But that</li> <li>is not the reason why he was terminated, that 12:35:3:</li> </ul>	24 Q. What did you speak to strike

1 Hesse 2 Do you know what year it was that 3 you spoke with that person? 4 A. No. 5 Q. Who was it that you spoke with? 12:37:41 6 A. It was a female, I believe I 7 don't know if they were in actual health 8 services or cigarette and tobacco section. 9 They wanted me to give a reference over the 10 phone which I didn't do, and I asked them if 12:38:03 11 they want a reference they would have to put 12 something on department letterhead and mail it 13 to me, and that was the extent of the 14 conversation. 15 Q. Have you ever given a reference 12:38:17 16 for any officers other than for the five 17 17 plaintiffs? 18 A. I may have over the years. 19 Q. Have you ever given any other information other than for dates of 12:38:25 20 A. I think somebody called in from there was a 12:40:09 21 employment? 22 A. I think somebody called in from there too, but no reference was given. 4 Q. Tell me everything you recall on the conversation you had with the Suffolk 12:39:27 4 A. I just vaguely remember something about him applying for the whatever it is, SPCA. But you know what, to tell you the truth I don't think anybody called me directly 12:39:42 11 in reference to a reference. 12 Q. Did you ever provide a reference? 13 A. No. 14 Q. How about the Riverhead Police 15 Department, did you ever speak with anyone 12:39 16 there with respect to Joe Noff? 17 A. I think somebody did call in. 18 Q. Tell me everything that you recall about that conversation? 19 A. Just the fact that there was a 12:40:09 21 employment? 22 A. I may have. 23 Q. Did you provide Paul Trosko with a reference? 24 A. You know, I believe there was a message left for me to call the chief back and 12:40:20		<u> </u>	271		
2   Do you know what year it was that you spoke with that person?   4   A. No.   5   Q. Who was it that you spoke with?   12:37:41   6   A. It was a female, I believe — I   7   don't know if they were in actual health   8   services or cigarette and tobacco section.   9   They wanted me to give a reference over the phone which I didn't do, and I asked them if   12:38:03   11   to me, and that was the extent of the conversation wou had with the Suffolk   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12:39:27   12		Page 671		F	age 673
2   Do you know what year it was that you spoke with that person?   4   A. No.   5   Q. Who was it that you spoke with?   12:37:41   6   A. It was a female, I believe1   7   don't know if they were in actual health   8   services or eigarette and tobacco section.   9   hono which I didn't do, and I asked them if   12:38:03   11   to me, and that was the extent of the   12   conversation.   12   conversation.   12   conversation.   12   don't know what, to tell you the   13   to me, and that was the extent of the   14   conversation.   15   Q. Have you ever given a reference   12:38:17   16   for any officers other than for the five plaintiffs?   Q. Have you ever given any other information other than for dates of   12:38:25   employment?   2   A. I may have.   12:38:33   2   2   Employment?   2   A. I may have.   12:38:35   2   Conversation.   18   Q. Tell me everything by un the twith I don't think anybody called me directly   12:39:42   1   in reference to a reference.   12:39:42   1   in reference to Joe Nofi?   2   in reference was given.   12:40:09   2   in reference was given.   12:40:09   2   in r	1	Наста	1	Цоссо	
3 you spoke with that person?   4 A. No.   A. No.   Who was it that you spoke with?   12:37:41   5 Q. Who was it that you spoke with?   12:37:41   5 Q. Who was it that you spoke with?   12:37:41   5 Q. Who was it that you spoke with?   12:37:41   5 Q. Who was it that you spoke with?   12:37:41   5 Q. Who was it that you spoke with?   12:37:41   5 Q. Have you ever given a reference word in optimize the plaintiffs?   12:38:17   15 Q. Have you ever given any other information other than for dates of plaintiffs?   12:38:33   12:40:39   12:40:31   13 Q. Yes.   14 Q. Was it a positive reference?   12:38:38   6 A. I may have.   12:38:38   6 A. I may have.   12:38:38   6 A. I may have.   12:38:39   10 Nofi?   12:38:49   10					
4 A. No. 5 Q. Who was it that you spoke with? 6 A. It was a female, I believe I 7 don't know if they were in actual health 8 services or eigarette and tobacco section. 9 They wanted me to give a reference over the 10 phone which I didn't do, and I asked them if 11 they want a reference they would have to put 12 something on department letterhead and mail it 13 to me, and that was the extent of the 14 conversation. 15 Q. Have you ever given a reference 16 for any officers other than for the five 17 plaintiffs? 18 A. I may have over the years. 19 Q. Have you ever given any other 10 information other than for dates of employment? 20 a. I may have. 21 Q. Did you provide Paul Trosko with a reference? 22 A. I may have. 23 Q. Did you provide Paul Trosko with a reference? 24 reference? 25 A. I may have. 26 Q. Substantive reference other than for dates of employment? 27 A. I may have. 28 Q. Substantive reference other than for dates of employment? 29 A. I may have. 20 Q. Was it a positive reference? 21 Hesse 2 Q. Substantive reference other than for dates of employment? 2 A. I may have. 3 G. Did you ever have any communications with anyone in the Suffolk 3 County Police Department with respect to Joe 4 A. I mosh fave. 4 Count provide Papartment of a page of the ruth I don't think anybody called me directly 12:39-42 in reference to a reference? 4 No.  9 How about the Riverhead Police 4 Department, did you ever speak with anyone there with respect to Joe Noff? 4 A. I may have. 4 Telerence? 5 Q. But out that conversation? 6 A. I may have. 5 Q. Substantive reference other than for dates of employment? 6 A. I would think so, yes. 7 Q. Did you ever have any communications with anyone in the Suffolk County Police Department with respect to Joe 8 Department? 8 Department? 8 A. In think Sombody did call in. 9 C. Tell me everything vou know what tis, SPCA. But you know what tis, SPCA. But you know what it is, 9 C. How about the Riverhead Police Department with respect to Jee Noff?  9 C. Have you ever given any other informatio					
Second County SPCA with respect to Noff?   12:39:27		• •		•	
6 Å. It was a female, I believe – I 7 don't know if they were in actual health 8 services or eigarette and tobacco section. 9 They wanted me to give a reference over the 10 phone which I didn't do, and I asked them if 11 they want a reference they would have to put 12 something on department letterhead and mail it 13 to me, and that was the extent of the 14 conversation. 15 Q. Have you ever given a reference 16 for any officers other than for the five 17 plaintiffs? 18 A. I may have over the years. Q. Have you ever given any other 19 information other than for dates of 21 employment? 22 A. I may have. 23 Q. Did you provide Paul Trosko with a 24 reference? 25 A. I may have. 26 Q. Substantive reference other than 3 for dates of employment? 4 A. I may have. 5 Q. Was it a positive reference? 5 Q. Was it a positive reference? 6 Q. Was it a positive reference? 7 A. I would think so, yes. 9 Communications with anyone in the Suffolk 9 County Police Department with respect to Joe 10 Noft? 12 Department? 10 Hesse 11 A. I may have. 12 G. Was it a positive reference? 12 G. Did you ever provide a reference? 12 G. Did you ever provide a reference? 12 A. No. Q. How about the Riverhead Police 12 Department, did you ever speak with anyone 12:39 16 there with respect to Joe Noff? 12 Hesse 17 A. I may have the average with the fact that there was a 12:40:09 18 call. I think it was the same time with Frank 19 G. Was it a positive reference? 10 Was it a positive reference? 11 Hesse 12 Q. Substantive reference other than 13 don't think anything was ever said or done. 14 Lesse 15 Q. Was it a positive reference? 16 for dates of employment? 17 A. I may have. 18 A. I may have. 19 G. Was it a positive reference? 20 Substantive reference? 21 Hesse 22 Q. Substantive reference? 23 Q. Was it a positive reference? 24 Was it a positive reference? 25 Q. Was it a positive reference? 26 Q. Was it a positive reference? 27 Q. Was it a positive reference? 28 Q. Substantive reference? 29 Q. Was it a positive reference? 20 Q. Was it a positive referen					2 20 25
don't know if they were in actual health services or cigarette and tobacco section. They wanted me to give a reference over the phone which I didn't do, and I asked them if 12:38:03 they want a reference they would have to put something on department letterhead and mail it conversation.  Q. Have you ever given a reference plaintiffs?  A. I may have over the years. Q. Have you ever given any other information other than for dates of information other than for dates of employment?  A. I may have.  Q. Did you ever given any other information other than for dates of 22:38:33  Page 672  A. I may have.  Q. Did you provide Paul Trosko with a reference?  A. I may have.  Page 672  A. I may have.  Q. What did you tell the person?  A. You know, I believe there was a message left for me to call the chief back and 12:40:20  Page 672  Q. Was it a positive reference other than for dates of poly you ever have with a positive reference?  A. I would think so, yes.  Q. Was it a positive reference?  12:38:38  A. I would think anything was ever said or done.  C. Was it a positive reference?  12:38:38  A. I would think anything was ever said or done.  Q. Work and the twenth anything was ever said or done.  Q. So you never spoke with hamyone?  A. I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:42  I truft I don't think anybody called me directly 12:39:44  I truft I don't think anybody called me dir		- · · · · · · · · · · · · · · · · · · ·		•	2:39:27
8 services or cigarette and tobacco section. 9 They wanted me to give a reference over the phone which I didn't do, and I asked them if 12:38:03 11 they want a reference they would have to put something on department letterhead and mail it to me, and that was the extent of the conversation. 15 Q. Have you ever given a reference of ror any officers other than for the five plaintiffs? 18 A. I may have over the years. 19 Q. Have you ever given any other information other than for dates of employment? 20 minormation other than for dates of employment? 21 The sec Q. Substantive reference other than for dates of to dates of employment? 22 A. I may have. 23 Q. Did you provide Paul Trosko with a for dates of employment? 24 reference? 25 A. I may have. 26 Q. Substantive reference other than for dates of to dates of employment? 27 A. I may have. 28 Q. Did you provide Paul Trosko with a for dates of employment? 29 A. I may have. 20 Q. Was it a positive reference other than for dates of employment? 30 Gounty Police Department with respect to Joe 4 A. I would think so, yes. 5 Q. Was it a positive reference? 12:38:39 6 A. I would think so, yes. 6 Q. Did you ever provide a reference. 9 Page 672 1 Hesse Q. Substantive reference other than for dates of employment? 10 Nofi? 12:38:39 10 Page 672 11 Hesse Q. Substantive reference other than for dates of employment? 12 Gounty Police Department with respect to Joe 10 Nofi? 12:38:39 10 Page 672 11 Hesse Q. Riverhead Police Department. 12 Q. Now about the Northport Police Department with respect to Joe Nofi? 11 A. In the Suffolk County Police 12 Department? 13 Q. Yes. 14 MR. NOVIKOFF: Independent of a 12:38:54					
9 They wanted me to give a reference over the 10 phone which I didn't do, and I asked them if 11 they want a reference they would have to put 12 something on department letterhead and mail it 13 to me, and that was the extent of the 14 conversation. 15 Q. Have you ever given a reference 16 for any officers other than for the five 17 plaintiffs? 18 A. I may have over the years. 19 Q. Have you ever given any other 10 information other than for dates of information other than for dates of employment? 20 A. I may have. 21 employment? 22 A. I may have. 23 Q. Did you provide Paul Trosko with a 24 reference? 25 A. I may have. 26 Q. Substantive reference other than 27 for dates of employment? 28 A. I would think so, yes. 39 Q. Was it a positive reference? 12:38:38 40 A. I would think so, yes. 41 A. I may have. 42 G. Was it a positive reference? 12:38:38 43 A. I would think so, yes. 44 County Police Department with respect to Joe 45 County Police Department with respect to Joe 46 A. I would think so, yes. 47 Q. Was it a positive reference? 12:38:39 40 County Police Department with respect to Joe 41 A. I may have. 42 County Police Department with respect to Joe 43 County Police Department with respect to Joe Nofi? 44 County Police Department with respect to Joe 54 County Police Department with respect to Joe Nofi? 55 Q. Was it a Positive reference? 12:38:38 56 A. I would think so, yes. 57 Q. Did you ever have any 58 County Police Department with respect to Joe Nofi? 59 County Police Department with respect to Joe Nofi? 50 Q. Was it a positive reference? 12:38:39 51 County Police Department with respect to Joe Nofi? 51 County Police Department with respect to Joe Nofi? 52 County Police Department with respect to Joe Nofi? 54 County Police Department with respect to Joe Nofi? 55 County Police Department with respect to Joe Nofi? 56 County Police Department with respect to Joe Nofi? 57 County Police Department with respect to Joe Nofi? 58 County Police Department with respect to Joe Nofi? 59 County Police Department with re					
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they want a reference they would have to put something on department letterhead and mail it to me, and that was the extent of the conversation.  Department, did you ever speak with anyone 12:39:17 for any officers other than for the five plaintiffs?  A. I may have over the years.  Department, did you ever speak with anyone 12:39:16 there with respect to Joe Noff?  A. I think somebody did call in.  Department, did you ever speak with anyone 12:39:16 there with respect to Joe Noff?  A. I think somebody did call in.  Department, did you ever speak with anyone 12:39:40:09 labout that conversation?  A. Just the fact that there was a 12:40:09 about that conversation?  A. Just the fact that there was a 12:40:09 labout that conversation?  A. You know, I believe there was a 12:40:20 labout that conversation?  A. You know, I believe there was a labout that conversation?  A. You know, I believe there was a labout that conversation?  A. You know, I believe there was a labout the chief back and 12:40:20 labout that conversation?  A. You know, I believe there was a labout the chief back and 12:40:20 labout that conversation?  A. You know, I believe there was a labout the person?  A. You know, I believe there was a labout the chief back and 12:40:20 labout that conversation.  Page 672  Bege 672  Bege 672  Department?  A. I may have.  Bege 672  Department with respect to Joe Noff?  A. I would think so, yes.  A. I may have.  Department with respect to Joe Noff?  A. No.  County Police Department with respect to Joe Noff?  A. No.  Conmunications with anyone in the Suffolk  Department?  A. In the Suffolk County Police  Department with respect to Joe Noff?  A. No.  Constable with respect to Joe Noff?  A. How about the Riverhead Police  Department with respect to Joe Noff?  A. How about the Riverhead Police  Department.  A. O. Was it a reference?  Constable with respect to Joe Noff?  A. No.  Constable with respect to Joe Noff?  A. No.  Constable with respect to Joe Noff?  Constable with respect to Joe Noff?  Constable with respect t		•	•		
12 something on department letterhead and mail it to me, and that was the extent of the conversation.  14 conversation.  15 Q. Have you ever given a reference 12:38:17   16 for any officers other than for the five plaintiffs?  17 plaintiffs?  18 A. I may have over the years.  19 Q. Have you ever given any other information other than for dates of 21:38:25   20 molyoment?  20 information other than for dates of 12:38:25   20 molyoment?  21 employment?  22 A. I may have.  23 Q. Did you ever provide a reference?  24 A. I may have over the years.  25 A. I may have.  26 Q. Did you ever given any other information other than for dates of 12:38:33   20 molyoment?  27 A. I may have.  28 Q. Did you provide Paul Trosko with a reference?  29 A. I may have.  20 Q. What did you tell the person?  21 Hesse  2 Q. Substantive reference other than for dates of employment?  4 A. I may have.  2 Q. Substantive reference other than for dates of employment?  4 A. I may have.  5 Q. Was it a positive reference? 12:38:38   5 Q. So you never spoke with anyone? 12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:30   12:40:		-			9:42
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1 MR. GOODSTADT: No, in connection   16 A. No. Never.				<del>-</del>	:40:53
17 with a reference. 17 Q. How about with the Shelter Island				_	
18 A. No.  18 Police with respect to Joe Nofi?				<u>-</u>	
19 Q. How about anyone in the 19 A. No.					10 11 00
20 Easthampton Bay Constable Police Department? 12:39:02 Q. How about the Amtrak Police with 12:41:				_	12:41:00
21 A. No. 21 respect to Joe Nofi?				<u>-</u>	
22 Q. How about the Easthampton Marine 22 A. No, nothing.				_	
23 Patrol?  23 Q. How about the Quogue Police with					
		A. No.	24	respect to Joe Nofi?	
25 Q. How about the Suffolk County SPCA? 12:39:11 25 A. Nothing. 12:41:11	24	0 77 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2			

	13	272	
	Page 675		Page 677
1	Hesse	1	Hesse
2	Q. How about the North Hempstead Bay	2	THE VIDEOGRAPHER: The time is
3	Constable with respect to Joe Nofi?	3	12:45, we are on the record.
4	A. Nothing.	4	Q. Mr. Hesse, you have posted on the
5	Q. How about the Babylon Bay 12:41:21	5	blog from your home computer; is that correct? 12:43:36
6	Constable?	6	A. Yes.
7	A. Nothing.	7	Q. Do you know if anyone else has
8	Q. Any others that you can recall and	8	posted on the blog from your home computer
9	any other potential employers that you can	9	other than for you?
10	recall discussing Joe Nofi with? 12:41:30	10	A. Not that I am aware of. 12:43:44
11	A. No.	11	Q. And the same thing about the Ocean
12	Q. How about Frank Fiorillo, do you	12	Beach Police Department computer, you posted
13	recall anybody else other than for the ones	13	there on the blog?
14	that I asked you about?	14	A. I may have, yes.
15	A. No. 12:41:40	15	Q. Are you aware of anybody else 12:43:53
16	Q. How about with respect to Ed	16	posting on the blog from the Ocean Beach
17	Carter, do you recall anybody else other than	17	Police Department computer other than for
18	for Decanio?	18	yourself?
19	A. No.	19	A. Not yet.
20	Q. How about Kevin Lamm, do you 12:41:48	20	Q. What do you mean by not yet? 12:44:02
		21	- · · · · · · · · · · · · · · · · · · ·
21	recall speaking with anybody on behalf of	22	A. I am assuming I will find out.
22	Kevin Lamm's application for a job?	23	MR. GOODSTADT: I have nothing
23	A. Other than Suffolk County Police		further at this time.
24	Department, no.	24	MR. CONNOLLY: You can ask one
25	Q. How about Tommy Snyder? 12:42:00	25	more, his responses are based upon his 12:44:13
	Page 676		Page 678
1	Hesse	1	Hesse
2	A. Never.	2	recollection of blog entries.
3	Q. I think we touched upon last time	3	MR. GOODSTADT: Okay.
4	your post on the blog. Do you know what I	4	MR. NOVIKOFF: Its up to Andrew if
5	mean when I say the blog? 12:42:21	5	he wants to ask that question. 12:44:26
6	A. Yes.	6	MR. GOODSTADT: I am going to
7	Q. Subsequently you provided	7	leave his responses where they are and go
8	information in response to interrogatories	8	through what I need to on redirect if
9	identifying this post that you made; is that	9	necessary.
10	correct? 12:42:30	10	THE VIDEOGRAPHER: The time is 12:44:38
11	A. Yes.	11	12:46, we are off the record.
12	Q. Is that all the posts that you	12	(Time noted 12:46 p.m.)
13	made, the ones that were in response to the	13	(Lunch recess taken.)
14	interrogatories?	14	, , , , , , , , , , , , , , , , , , ,
15	A. Yes. 12:42:36	15	
16	MR. NOVIKOFF: How much time is	16	
17	left.	17	
18	THE VIDEOGRAPHER: Eight minutes.	18	
19	MR. NOVIKOFF: Have you hit the	19	
20	250 yet. 12:42:53	20	
21	MR. GOODSTADT: I don't know.	21	
22	MR. NOVIKOFF: Off the record.	22	
23	THE VIDEOGRAPHER: The time is	23	
24	12:44, we are off the record.	24	
25	(Recess taken.) 12:43:09	25	
2 )	(Necess takell.) 12.43.07	L	

Hesse   2			<u> 273</u>	
A FTERNOON SESSION (Time noted: 1:38 p.m.)  GEORGE HESSE, resumed and testified as follows:  EXAMINATION BY (Contd.)  MR. NOVIKOFF: THE WIDEOGRAPHER: The time is 1:38, we are on the record.  Q. Good afternoon, Mr. Hesse, how are 13:36:34  Your 20 A. Good.  A. A. No.  Q. Good afternoon, Mr. Hesse, how are 13:36:34  In the Willage defendants besides to you. As you are probably are aware I represent all the Village defendants besides to you. As you are probably aware I represent all the Village defendants except you, you are you are probably aware I represent all the Village defendants except you, you are a probably aware of that?  A. A. No.  Q. Have you and I ever had discussions about the substance or the merits 13:37:00  Q. Have we ever exchanged written communications?  Page 680  A. No.  Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:08  Page 682  A. No.  Q. Jam going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:08  Page 680  A. Yes.  Q. April 2, 2006; A. No.  Jay 2006 that you advise Trustee Leefler 13:39:40 starting blog entries with was aware that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Basical sase was any trustee ever aware between April 2nd and the fitme that Mayor Loeffler was aware that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  A. Yes.  Q. April 2, 2006; A. No.  Q. Vou certainly didn't tell anyone, did you tell any trustee between papil 2nd and the date that Mayor Loeffler was aware that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Q. Vou certainly didn't tell anyone, did you tell any trustee between papil 2nd and the date that Mayor Loeffler was aware of any you represent a started as mayor in the schwart and the date that Mayor Loeffler was aware of any you represent a started		Page 679		Page 681
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Clime noted: 138 p.m.    G FLOR GE HESS F. resumed and testified as follows:   A. No. 13:38:25				
4 GEORGE HESSE, resumed and testified as follows: 5 testified as follows: 6 EXAMINATION BY (Cont'd.) 7 MR NOVIKOJP: 8 THE VIDEOGRAPHER: The time is 1.38, we are on the record. 9 Q. Good afternoon, Mr. Hesse, how are 13:36:34 11 12.38, we are on the record. 10 Q. Good afternoon, Mr. Hesse, how are 13:36:34 12 13.39, was a continuous and complete to April 2.2 2006 that you were entering blog entries of the was still anyor but subsequent to April 2.2 2006 that you were entering blog entries on the Schwartz Report concerning 13:38:37 11 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13				
testified as follows:    EXAMINATION BY (Cont'd.)   5		• '		• •
SEAMINATION BY (Cont'd.)   6   Q. Did you advise Mayor Rogers while   7   8   MR. NOVIKOFF:   7   8   MR. NOVIKOFF:   7   8   138, we are on the record.   9   138, we are on the record.   10   Q. Good afternoon, Mr. Hesse, how are 1   13:36:34   11   12   200   A. Sood.   12   200   20   A. Sood.   12   200   20   A. Sood are probably are aware I   12   20   20   20   20   20   20   20		•		· ·
7 she was still mayor but subsequent to April 2, 206 that you were entering blog entries? 3 (2. Good afternoon, Mr. Hesse, how are 13:36:34) 4 you? 4 A. Good. 5 Q. Good afternoon, Mr. Hesse, how are 13:36:34) 5 you. As you probably are aware 1 6 q. As you probably are aware 1 7 aware of that? 8 A. Yes. 9 Q. Have you and I ever had 18 A. Yes. 19 Q. Have you and I ever had 20 discussions about the substance or the merits 13:37:08 21 cor lack thereof of the action that brings us 2 here today? 22 here today? 23 A. No. 24 Q. Have we ever exchanged written 2 communications? 13:37:08 25 here today? 26 Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 5 Goodstadt didn't ask you about any specific for blog entries, I am not going to. But let me 2 just ask you a few questions about the holp. 10 you made blog entries subsequent to April 2, 2006 A. No. 11 your knowledge was any frustee ever aware between April 2nd and the time that Mayor 1 coffler was s-withdrawn. 12 the summer of 2006 are you aware of any trustee that was aware that you were blogging on the Schwartz Report concerning Ocean Beach? 12 A. No. 13 your knowledge was any frustee ever aware between April 2nd and the time 113:39:12 that Mayor Loeffler was started as mayor in the summer of 2006 are you aware of any trustee that was aware that you were blogging on the Schwartz Report concerning Ocean Beach? 10 you made blog entries subsequent to April 2, and meeting the probable with the substance of the extent that you entered, 13:37:37 10 your knowledge was any frustee ever aware between April 2nd and the time that Mayor 1 the summer of 2006 are you aware of any trustee that was aware that you were blogging on the Schwartz Report concerning Ocean Beach? 2 A. No. 2 Goodstadt didn't ask you a beeries of questions, I want to start off with asking you or probably the April 2, 2006? 3 You made blog entries understand what I am 13:37:37:39 4 Q. A. Yes. 4 Q. April 2, 2006? 4 Q. Pril	_			
THE VIDEOGRAPHER: The time is 9 1:38, we are on the record. 9 C. Good afternoon, Mr. Hesse, how are 13:36:34 11 you? 12 A. Good. 13 Q. As you probably are aware I 14 represent all the Village defendants besides 15 you. As you are probably aware I represent 13:36:43 16 all the Village defendants except you, you are 17 aware of that? 18 A. Yes. 19 Q. Have you and I ever had 19 discussions about the substance or the merits 13:37:09 20 discussions about the substance or the merits 13:37:09 21 or lack thereof of the action that brings us 22 here today? 23 A. No. 24 Q. Have were exchanged written 24 Q. Have were exchanged written 25 communications? 26 I Hesse 2 A. No. 27 Page 680 28 Page 680 29 To the extent that you asteries of questions, I want to start off with asking you some questions about the blog. 39 To the extent that you entered, 40 Q. April 2, 2006? 41 Q. April 2, 2006? 42 Q. April 2, 2006? 43 A. Yes. 44 Q. April 2, 2006? 45 A. Yes. 46 Q. April 2, 2006? 47 Q. April 2, 2006? 48 Q. April 2, 2006? 49 Q. April 2, 2006? 40 Q. April 2, 2006? 40 Q. April 2, 2006? 41 Q. April 2, 2006; were you doing that as part of 2000 official duties as Acting Chief of 13:38:03 40 Q. With regard to any entries in the Schwartz Report concerning Ocean Beach? 40 Q. With regard to any entries in the Schwartz Report onecerning Ocean Beach? 41 A. No. 42 Q. April 2, 2006; were you doing that as part of 2000 or official duties as Acting Chief of 13:38:03 44 Q. With regard to any entries in the Schwartz Report onecerning Ocean Beach? 45 A. Yes. 46 Q. April 2, 2006; were you doing that as part of 2000 or official duties as Acting Chief of 13:38:03 47 Police? 48 Page 680 49 Page 680 40 Page 680 41 Page 680 41 Page 680 42 Page 680 43 Page 680 44 Q. April 2, 2006; and the time flat you were of any both with a same than 1 you were blogging on the 2000 official duties as Acting Chief of 13:38:03 41 Page 680 42 Page 680 43 Page 680 44 Page 680 45 Page 680 46 Page 680 47 Page 680 48 Page 680 49 Page 680 40 Page 680 41 Page 680 41 Page 680 42 Pag				, ,
1.38, we are on the record.   Q. Good afternoon, Mr. Hesse, how are 13:36:34   you?   A. Good.   12   a Cood.   13   you?   3   Q. As you probably are aware I   13:36:34   16   Q. As you probably aware I represent all the Village defendants besides   13:36:43   16   all the Village defendants except you, you are aware of that?   16   all the Village defendants except you, you are aware of that?   16   A. Yes.   18   A. Yes.   18   between April 2nd and the time that Mayor   19   Loeffler was withdrawn.   18   A. No.   13:38:35   19   between April 2nd and the time that Mayor   21   that Mayor Loeffler was swithdrawn.   18   Between April 2nd and the time that Mayor   22   that Mayor Loeffler was swithdrawn.   23   trustee that was aware that you were blogging on the Schwartz Report concerning   24   on lack thereof of the action that brings us   25   bere today?   22   that Mayor Loeffler was swithdrawn.   24   that Mayor Loeffler was swithdrawn.   25   MR. GOODSTADT: Objection.   13:39:12   that Mayor Loeffler was swithdrawn.   26   MR. GOODSTADT: Objection.   13:39:28   Page 680   Page 682				
Q. Good afternoon, Mr. Hesse, how are 13:36:34   10   Q. Did you advise Trustee Loeffler 13:38:37   11   12   at rustee member that you were entering blog   12   at rustee member that you were entering blog   13   24   at rustee member that you were entering blog   14   15   core   15   you. As you are probably aware I represent   13:36:43   16   all the Village defendants except you, you are a ware of that?   16   all the Village defendants except you, you are a ware of that?   17   your knowledge was anytone, to   18   you had the time that Mayor   18   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between April 2nd and the time that Mayor   18   20   between   20				•
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15 you. As you are probably aware I represent 13:36:43 althe Village defendants except you, you are aware of that?  16 all the Village defendants except you, you are aware of that?  17 aware of that?  18 A. Yes.  Q. Have you and I ever had  20 discussions about the substance or the merits 13:37:00 or lack thereof of the action that brings us here today?  21 or lack thereof of the action that brings us here today?  22 here today?  23 A. No.  24 Q. Have we ever exchanged written communications?  13:37:08  25 Page 680  Page 680  Q. Have we ever exchanged written communications?  13:37:08  Page 680  Page 680  Q. I am going to ask you a series of questions, I want to start off with asking you some questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19  Goodstadt didn't ask you about any specific big entries, I am not going to. But let me just asky ou a few questions about the blog.  To the extent that you entered,  you made blog entries subsequent to the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes.  Q. April 2, 2006?  A. Yes.  Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57  to the extent that you made blog entries in the Schwartz Report concerning Ocean Beach?  A. Yes.  Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57  To the extent that you made blog entries in the Schwartz Report subsequent to a Ayril 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03  Q. With regard to any entries in the Schwartz Report oncerning Ocean Beach?  A. No.  Q. With regard to any entries in the Schwartz Report oncerning Ocean Beach?  A. No.  Q. With regard to any entries in the Schwartz Report on the action that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Q. Did you ever advise Mayor Loeffler prior to serving getting served with the extent that you were blogging on the Schwartz Report were blogging on the Schwartz Report wer				<u>.</u>
all the Village defendants except you, you are aware of that?  3				
aware of that?  A. Yes.  Description of the action that brings us or lack thereof of the action that brings us the today?  A. No.  Description of the action that brings us or lack thereof of the action that brings us the today?  A. No.  Description of the action that brings us the today?  A. No.  Description of the action that brings us the today?  A. No.  Description of the action that brings us the today?  A. No.  Description of the action that brings us the through the today?  A. No.  Description of the action that brings us the through the things us the that Mayor Loeffler was started as mayor in the things us the that Mayor Loeffler was started as mayor in the things us the that Mayor Loeffler was started as mayor in the things us the that Mayor Loeffler was started as mayor in the things us the trustee that was aware that you were blogging  Description of any trustee that was aware that you were blogging us the started as mayor in the Schwartz Report concerning Ocean Beach?  A. No.  Page 680  Page 680  Page 680  A. No.  Description of any or loeffler was started as mayor in the thing us the twas aware that you were blogging us the Schwartz Report concerning Ocean Beach?  A. No.  Q. Vou certainly didn't tell anyone, did you?  13:39:33  A. No.  Q. Well, since there is an objection let me rephrase the question.  Page 682  A. No.  Q. Well, since there is an objection let me rephrase the question.  April 2nd and the time hat Mayor Loeffler uses that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report Letter of the Schwartz Report concerning Ocean Beach?  A. No.  Page 680  Page 680  A. No.  Q. Well, since there is an objection let me rephrase the question.  Page 682  A. No.  Q. Well and the date that Mayor Loeffler page of the schwart Report concerning Ocean Beach?  A. No.  Q				
18	17			
Q. Have you and I ever had   19   Loeffler was withdrawn.   Between April 2nd and the time   13:39:12   that Mayor Loeffler was started as mayor in   the summer of 2006 are you aware of any   22   that Mayor Loeffler was started as mayor in   the summer of 2006 are you aware of any   23   trustee that was aware that you were blogging on the Schwartz Report concerning Ocean Beach?   24   on the Schwartz Report concerning Ocean Beach?   25   MR. GOODSTADT: Objection.   13:39:28   Page 680   Page 682     Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page 682   Page				
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21 or lack thereof of the action that brings us 22 here today? 23 A. No. 24 Q. Have we ever exchanged written 25 communications?  13:37:08  26 A. No. 27 Page 680  Page 680  Page 680  Page 680  Page 680  A. No. 28 A. No. 29 Hesse  A. No. 20 Lam going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 29 blog entries, I am not going to. But let me just ask you a few questions about the blog. 20 To the extent that you entered, 21 Q. April 2, 2006e; 22 A. Yes. 23 A. Yes. 24 Q. April 2, 2006e; 25 MR. GOODSTADT: Objection. 26 Goodstadt didn't ask you about any specific blog entries in the Schwartz Report concerning Ocean Beach? 27 Q. Well, since there is an objection let me rephrase the question. 28 Schwartz Report concerning Ocean Beach? 29 Councertainly didn't tell anyone, did you? 313:39:33  A. No. 40 Q. Well, since there is an objection let me rephrase the question. 30 Q. With regard to any entries in the Schwartz Report concerning Ocean Beach? 31 A. Yes. 32 A. No. 33 Vou detailly didn't tell anyone, did you? 34 Vou certainly didn't tell anyone, did you? 35 Vou certainly didn't tell anyone, did you? 36 Q. With regard to any entries in the Schwartz Report oncerning Ocean Beach? 39 A. No. 40 Vell, since there is an objection let me rephrase the question. 40 April 2 2nd and the date that Mayor Loeffler 40 April 2, 2006e; 41 Q. Prior to receiving the prior to being served with the complaint in this matter did you ever advise Mayor Loeffler prior to serving getting served with the voncerning Ocean Beach? 41 Q. With regard to any entries in the Schwartz Report oncerning Ocean Beach? 42 A. No. 43 C. Let me rephrase the question. 44 Q. Let me rephrase the question. 45 Did you doing that as part of your official duties as Acting Chief of 13:38:03 40 A. No. 41 Q. With regard to any entries in the Schwartz Report oncerning Ocean Beach? 42 O. With regard to any entries in the Schwartz Report on the Schwartz Report oncerning Ocean Beach? 43 Q. With regard t		•		
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A. Yes.  13 A. No.  14 Q. April 2, 2006?  15 A. Yes.  16 Q. Let me rephrase the question.  17 To the extent that you made blog  18 entries in the Schwartz Report subsequent to  19 April 2, 2006, were you doing that as part of  20 your official duties as Acting Chief of  21 Police?  22 A. No.  23 Q. With regard to any entries in the  24 Schwartz Report or any other blog concerning  13 A. No.  14 Q. Prior to receiving the prior to  15 being served with the complaint, the Federal 13:39:57  16 court complaint in this matter did you ever  17 advise mayor former Mayor Rogers that you  18 were blogging on the Schwartz Report  19 concerning Ocean Beach?  20 A. No.  21 Q. Did you ever advise Mayor Loeffler  22 prior to serving getting served with the  23 summons and complaint in the action that you  24 were blogging on the Schwartz Report	3 4 5 6 7 8 9	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37	3 4 5 6 7 8 9	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question.  Did you tell any trustee between  April 2nd and the date that Mayor Loeffler  13:39:40
Q. April 2, 2006?  15 A. Yes. 13:37:51  16 Q. Let me rephrase the question.  17 To the extent that you made blog  18 entries in the Schwartz Report subsequent to  19 April 2, 2006, were you doing that as part of  20 your official duties as Acting Chief of 13:38:03  21 Police?  22 A. No.  23 Q. With regard to any entries in the  24 Schwartz Report or any other blog concerning  14 Q. Prior to receiving the prior to  15 being served with the complaint, the Federal 13:39:57  16 court complaint in this matter did you ever  17 advise mayor former Mayor Rogers that you  18 were blogging on the Schwartz Report  19 concerning Ocean Beach?  20 A. No. 13:40:10  21 Q. Did you ever advise Mayor Loeffler  22 prior to serving getting served with the  23 summons and complaint in the action that you  24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am	3 4 5 6 7 8 9 10	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you? 13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler 13:39:40 started as mayor that you were blogging on the
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16 Q. Let me rephrase the question. 17 To the extent that you made blog 18 entries in the Schwartz Report subsequent to 19 April 2, 2006, were you doing that as part of 20 your official duties as Acting Chief of 13:38:03 21 Police? 22 A. No. 23 Q. With regard to any entries in the 24 Schwartz Report or any other blog concerning 26 court complaint in this matter did you ever advise mayor former Mayor Rogers that you 28 were blogging on the Schwartz Report 29 concerning Ocean Beach? 20 A. No. 21 Q. Did you ever advise Mayor Loeffler 22 prior to serving getting served with the 23 summons and complaint in the action that you 24 Schwartz Report or any other blog concerning 24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.	3 4 5 6 7 8 9 10 11 12 13	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No.  Q. Well, since there is an objection let me rephrase the question.  Did you tell any trustee between  April 2nd and the date that Mayor Loeffler 13:39:40 started as mayor that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.
To the extent that you made blog  17 advise mayor former Mayor Rogers that you  18 entries in the Schwartz Report subsequent to  19 April 2, 2006, were you doing that as part of  20 your official duties as Acting Chief of 13:38:03  21 Police?  22 A. No.  23 Q. With regard to any entries in the  24 Schwartz Report or any other blog concerning  17 advise mayor former Mayor Rogers that you  18 were blogging on the Schwartz Report  20 A. No.  13:40:10  21 Q. Did you ever advise Mayor Loeffler  22 prior to serving getting served with the  23 summons and complaint in the action that you  24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?	3 4 5 6 7 8 9 10 11 12 13	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question.  Did you tell any trustee between  April 2nd and the date that Mayor Loeffler  13:39:40 started as mayor that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No. Q. Prior to receiving the prior to
18 entries in the Schwartz Report subsequent to 19 April 2, 2006, were you doing that as part of 20 your official duties as Acting Chief of 13:38:03 21 Police? 22 A. No. 23 Q. With regard to any entries in the 24 Schwartz Report or any other blog concerning 24 were blogging on the Schwartz Report 25 pconcerning Ocean Beach? 26 A. No. 27 Q. Did you ever advise Mayor Loeffler 28 prior to serving getting served with the 29 summons and complaint in the action that you 29 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51	3 4 5 6 7 8 9 10 11 12 13 14 15	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No.  Q. Well, since there is an objection let me rephrase the question.  Did you tell any trustee between  April 2nd and the date that Mayor Loeffler 13:39:40 started as mayor that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57
19 April 2, 2006, were you doing that as part of 20 your official duties as Acting Chief of 13:38:03 21 Police? 22 A. No. 23 Q. With regard to any entries in the 24 Schwartz Report or any other blog concerning 29 concerning Ocean Beach? 20 A. No. 21 Q. Did you ever advise Mayor Loeffler 22 prior to serving getting served with the 23 summons and complaint in the action that you 24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No.  Q. Well, since there is an objection let me rephrase the question.  Did you tell any trustee between  April 2nd and the date that Mayor Loeffler 13:39:40 started as mayor that you were blogging on the Schwartz Report concerning Ocean Beach?  A. No.  Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever
20your official duties as Acting Chief of13:38:0320A. No.13:40:1021Police?21Q. Did you ever advise Mayor Loeffler22A. No.22prior to serving getting served with the23Q. With regard to any entries in the23summons and complaint in the action that you24Schwartz Report or any other blog concerning24were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51 Q. Let me rephrase the question.  To the extent that you made blog	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you? 13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler 13:39:40 started as mayor that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you
Police?  A. No.  Q. Did you ever advise Mayor Loeffler prior to serving getting served with the  Q. With regard to any entries in the  Schwartz Report or any other blog concerning  Q. Did you ever advise Mayor Loeffler prior to serving getting served with the  summons and complaint in the action that you  were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I was not aware of anybody that would know, no. Q. You certainly didn't tell anyone, did you? 13:39:33 A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report
A. No.  22 prior to serving getting served with the 23 Q. With regard to any entries in the 24 Schwartz Report or any other blog concerning 24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes. Q. April 2, 2006? A. Yes. 13:37:51 Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I was not aware of anybody that would know, no. Q. You certainly didn't tell anyone, did you? 13:39:33 A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach?
23 Q. With regard to any entries in the 24 Schwartz Report or any other blog concerning 23 summons and complaint in the action that you 24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I was not aware of anybody that would know, no. Q. You certainly didn't tell anyone, did you? 13:39:33 A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. 13:40:10
24 Schwartz Report or any other blog concerning 24 were blogging on the Schwartz Report	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03 Police?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you? 13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. 13:40:10 Q. Did you ever advise Mayor Loeffler
	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03 Police?  A. No.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you?  13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. 13:40:10 Q. Did you ever advise Mayor Loeffler prior to serving getting served with the
25 Ocean Beach subsequent to April 2, 2006 were 13:38:14   25 concerning Ocean Beach? 13:40:26	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes. Q. April 2, 2006? A. Yes. 13:37:51 Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03 Police?  A. No. Q. With regard to any entries in the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you? 13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. 13:40:10 Q. Did you ever advise Mayor Loeffler prior to serving getting served with the summons and complaint in the action that you
	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. I am going to ask you a series of questions, I want to start off with asking you some questions about the blog, but since Mr. 13:37:19 Goodstadt didn't ask you about any specific blog entries, I am not going to. But let me just ask you a few questions about the blog.  To the extent that you entered, you made blog entries subsequent to the April 13:37:37 2nd meeting, and you understand what I am talking about by the April 2nd meeting?  A. Yes.  Q. April 2, 2006?  A. Yes. 13:37:51  Q. Let me rephrase the question.  To the extent that you made blog entries in the Schwartz Report subsequent to April 2, 2006, were you doing that as part of your official duties as Acting Chief of 13:38:03 Police?  A. No.  Q. With regard to any entries in the Schwartz Report or any other blog concerning	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I was not aware of anybody that would know, no.  Q. You certainly didn't tell anyone, did you? 13:39:33  A. No. Q. Well, since there is an objection let me rephrase the question. Did you tell any trustee between April 2nd and the date that Mayor Loeffler April 2nd and the date that Mayor Loeffler Schwartz Report concerning Ocean Beach? A. No. Q. Prior to receiving the prior to being served with the complaint, the Federal 13:39:57 court complaint in this matter did you ever advise mayor former Mayor Rogers that you were blogging on the Schwartz Report concerning Ocean Beach? A. No. 13:40:10 Q. Did you ever advise Mayor Loeffler prior to serving getting served with the summons and complaint in the action that you were blogging on the Schwartz Report

<u> </u>	3274
Page 683	Page 685
1 Hesse	1 Hesse
2 A. No.	2 knowledge as you sit here today as to what
3 Q. Did you advise any trustee member	3 claims if any any of the plaintiffs were
4 prior to the time that you were served with	4 making in their respective notice of claims?
5 the summons and complaint that you were 13:40:31	5 A. It was my belief that it was for 13:43:14
6 blogging on the Schwartz Report concerning	6 some kind of illegal termination of sorts, and
7 Ocean Beach?	7 then many other accusations that just didn't
9 Q. Let's look at the exhibit that Mr.	9 Q. A notice of claim is filed with
10 Goodstadt showed you, Exhibit 28, Deposition 13:41:09	
11 Exhibit 28, CCSO 147 through CCSO 150.	11 A. Yes.
12 Specifically let's look at 149 and 150?	12 Q. And a notice of claim is filed
13 A. Yes.	13 specifically with the clerk of the village; is
14 Q. Did you draft this document?	14 that correct?
15 A. No. 13:41:34	15 MR. GOODSTADT: Objection. 13:43:43
16 Q. Prior to today have you seen this	16 A. Yes.
17 document?	17 Q. To your knowledge is a notice of
18 A. No.	18 claim a document that an individual could file
19 Q. So let's be more specific, the	19 a FOIA request to ascertain?
20 line: Rate the applicant in the following 13:41:44	20 MR. GOODSTADT: Objection. 13:43:56
21 areas. You didn't draw that line; right?	21 MR. CONNOLLY: Objection.
22 A. No.	22 A. You know, I believe they can.
23 Q. Now, Mr. Goodstadt asked you a	
- · · · · · · · · · · · · · · · · · · ·	
24 question as to when you did this, when you	24 requires a notice of claim be kept
25 spoke when you spoke to the investigator, 13:42:02	25 confidential and hidden from the public? 13:44:08
Page 684	Page 686
1 Hesse	1 Hesse
2 when you filled out whatever form you	2 A. Not that I am aware of.
3 indicated that you filled out. Do you recall	3 MR. GOODSTADT: Objection.
4 those questions?	4 Q. Now, let's look at page 150?
5 A. Yes. 13:42:09	5 A. Uh-hum. 13:44:40
6 Q. Now, the date of this document,	6 Q. Whoever wrote this document states
7 150, is 9/15/2006. Would you agree with me	7 under the line: Please provide any additional
8 that given the fact that the Federal lawsuit	8 information that you feel is important.
9 was not filed until March 2007, that you had	9 And they write as follows: Deputy
10 your conversation with Collier County prior to 13:42:30	_
11 the filing of the Federal lawsuit?	11 Department is being sued by the applicant for
12 A. Yes.	12 quote wrongful (job) termination close quote.
13 Q. And if I represented to you that	13 Do you see that?
14 the date of the notice of claim was on or	14 A. Yes.
15 <b>about June 30, 2006, would you agree with me</b> 13:42:43	Q. Did you state to whomever you 13:45:07
16 that based upon that representation you would	16 spoke to at Collier County that the Police
17 have had a conversation with Collier County	17 Department was being sued?
18 after becoming aware of the notice of claim?	18 A. Yes.
19 A. Yes.	19 Q. Did you state to the investigator
20 Q. In fact the notice of claim was in 13:42:56	20 or whomever you spoke to at Collier County 13:45:17
21 part a claim that the five plaintiffs were	21 that Mr. Nofi was suing the department for
22 unlawfully terminated; correct?	22 wrongful termination?
23 MR. GOODSTADT: Objection.	23 A. Yes.
24 A. Yes.	24 Q. Whoever wrote this document then
Q. What was your what is your 13:43:04	25 goes on to say: Chief Hesse states that he 13:45:28

	<del></del>	275	
	Page 687		Page 689
1	Hesse	1	Hesse
2	cannot comment on the applicant's reason he	2	employers of the plaintiffs with the exception
3	was let go or his job history at the PD due to	3	of Mr. Carter, would you characterize your
4	the ongoing lawsuit.	4	comments as being neutral?
5	Do you see that? 13:45:40	5	MR. GOODSTADT: Objection. 13:47:22
6	A. Yes.	6	A. Yes.
7	Q. Now, did you tell whomever you	7	Q. Sir, if in fact you wanted to give
8	spoke to at Collier County that you can't	8	a negative reference with regard to for
9	comment on the applicant's reasons as to why	9	example to Frank Fiorillo, what would you have
10	he was let go? 13:45:51	10	said to a prospective employer? 13:47:31
11	A. Yes.	11	MR. GOODSTADT: Objection.
12	Q. Did you tell whomever you spoke to	12	A. I would have said that he was
13	at Collier County that you can't comment on	13	insubordinate and I would have gave him I
14	the applicant's job history at the Police	14	probably would have given him an example or
15	Department? 13:46:00	15	two. 13:47:44
16	A. Yes.	16	Q. The same thing with regard to Mr.
17	Q. And did you tell whomever you	17	Nofi, if you were to give a negative reference
18	spoke to at Collier County that you could not	18	with regard to Mr. Nofi what would you have
19	discuss the reasons Mr. Nofi was let go or his	19	said?
20	job history due to the ongoing lawsuit? 13:46:12	20	MR. GOODSTADT: Objection. 13:47:55
21	A. Yes.	21	A. I would have said that, like I
22	Q. Now, did you speak with any lawyer	22	stated earlier, he had poor work performance,
23	prior to giving this information to Collier	23	poor appearance and so on, along those lines.
24	County as to what you could say with regard to	24	Q. Let's stay with Mr. Nofi for a
25	a reference request? 13:46:28	25	minute. To the extent and I don't recall your 13:48:09
	u reference request.		initiates 10 the extent and 1 don't recan your 10 toto
	Page 688		Page 690
1	Page 688	1	Page 690 <b>Hesse</b>
1 2	_	1 2	-
	Hesse		Hesse
2	Hesse A. No.	2	Hesse testimony, I am not going to try to repeat it
2 3	Hesse A. No. Q. Did you speak with Mayor Loeffler?	2 3	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any
2 3 4	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No.	2 3 4	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi
2 3 4 5	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33	2 3 4 5	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19
2 3 4 5 6	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers?	2 3 4 5 6	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?
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2 3 4 5 6 7 8 9 10 11	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33  Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38  Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct?	2 3 4 5 6 7 8 9	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference? A. No. MR. CONNOLLY: Objection. Q. Did you give any type of negative reference? 13:48:31 A. No. Q. Same question with regard to Mr.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33  Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38  Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference? A. No. MR. CONNOLLY: Objection. Q. Did you give any type of negative reference? 13:48:31 A. No. Q. Same question with regard to Mr. Fiorillo? MR. GOODSTADT: Objection. A. No. 13:48:37 Q. With regard to Mr. Snyder, to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with regard putting aside Mr. Carter for the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any communications with any prospective employers
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with regard putting aside Mr. Carter for the time being, the references that you gave with 13:46:59	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any communications with any prospective employers of Mr. Snyder after April 2, 2006, if you were going to give a negative reference what would 13:48:51
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with regard putting aside Mr. Carter for the time being, the references that you gave with 13:46:59 regard to the other four plaintiffs, to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any communications with any prospective employers of Mr. Snyder after April 2, 2006, if you were going to give a negative reference what would 13:48:51 you have said?  MR. GOODSTADT: Objection.  A. I would have said that he had
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with regard putting aside Mr. Carter for the time being, the references that you gave with 13:46:59 regard to the other four plaintiffs, to the extent that you gave any references you know, withdrawn, reference is a bad word. To the extent that you had any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any communications with any prospective employers of Mr. Snyder after April 2, 2006, if you were going to give a negative reference what would 13:48:51 you have said?  MR. GOODSTADT: Objection.  A. I would have said that he had somewhat of a poor attitude. His work
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Did you speak with Mayor Loeffler? A. No. Q. Did you speak with former Mayor 13:46:33 Rogers? A. No. Q. Did you speak with any trustee? A. No. Q. Did you speak with any trustee? A. No. Q. Now, you indicated in response to 13:46:38 Mr. Goodstadt's question that in your opinion you gave neutral references; is that correct? A. Uh-hum. MR. GOODSTADT: Objection. His testimony is what it is. 13:46:50 MR. NOVIKOFF: Okay. Q. Let me state this. In your opinion the references that you gave with regard putting aside Mr. Carter for the time being, the references that you gave with 13:46:59 regard to the other four plaintiffs, to the extent that you gave any references you know, withdrawn, reference is a bad word.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	testimony, I am not going to try to repeat it here, to the extent that you gave any references at all with regard to Mr. Nofi subsequent to April 2, 2006, did you give that 13:48:19 type of a negative reference?  A. No.  MR. CONNOLLY: Objection.  Q. Did you give any type of negative reference?  13:48:31  A. No.  Q. Same question with regard to Mr.  Fiorillo?  MR. GOODSTADT: Objection.  A. No.  13:48:37  Q. With regard to Mr. Snyder, to the extent that you gave any, made any communications with any prospective employers of Mr. Snyder after April 2, 2006, if you were going to give a negative reference what would 13:48:51 you have said?  MR. GOODSTADT: Objection.  A. I would have said that he had

	13	<u> 276</u>	
	Page 691		Page 693
1	Hesse	1	Hesse
2	was scheduled for he was not showing up for.	2	anything about them to any prospective
3	Q. Did you give that type of did	3	employer. So, you know, I was just angry at
4	you communicate those opinions to any	4	that moment.
5	prospective employer to the best of your 13:49:13	5	MR. GOODSTADT: Do we have an 13:51:12
6	recollection?	6	agreement that I don't have to move to
7	A. No.	7	strike anything?
8	Q. How about with regard to Mr. Lamm,	8	MR. NOVIKOFF: Yes, until such
9	to the extent that you had any communications	9	time as you need to.
10	with a prospective employer after April 2, 13:49:21	10	MR. GOODSTADT: Well it is 13:51:21
11	2006 and you were inclined to give a negative	11	preserved. I don't have to do it today.
12	reference, what would that negative have been?	12	MR. NOVIKOFF: Yes.
13	MR. GOODSTADT: Objection.	13	Q. To the extent Mr. Goodstadt
14	A. I would have said that he had a	14	believes that you were threatening to do
15	poor attitude, shows no discretion, generally 13:49:36	15	something in those tapes with regard to their 13:51:31
16	angry, and insubordinate.	16	law enforcement careers, did you take any
17	Q. Did you make did you	17	action in furtherance of that?
18	communicate those opinions to any prospective	18	MR. CONNOLLY: Objection.
19	employer that you were aware of?	19	MR. GOODSTADT: Objection.
20	A. No. 13:49:54	20	A. No. 13:51:43
21	Q. So let's go back to what Mr.	21	Q. Was it your intent on those tapes
22	Goodstadt brought out from you during his	22	to communicate that you were going to
23	testimony. You acknowledged, and correct me	23	affirmatively take any action to harm their
24	if I am wrong, that at least that on those	24	careers?
25	tapes withdrawn. 13:50:06	25	A. No. 13:51:55
		20	11. 110.
	Page 692		Page 694
1	Hesse	1	Hesse
2	You acknowledged on those tapes	2	Q. Now, Mr. Goodstadt inquired with
3	that Mr. Goodstadt played for you, for us in	3	you with regard to various eyewitness
4	the morning, that you did make statements	4	statements that had been filed with the
5	concerning Lamm, Fiorillo and Nofi's law 13:50:17	5	village concerning the Halloween incident, do 13:52:42
6	enforcement careers; correct?	6	you recall that?
7	A. Yes.	7	A. Yes.
8	Q. And in fact in sum or substance	8	Q. I think he said, he asked you did
9	you had said to whoever you were speaking to	9	you think it was strange that no one who put
10	that those that their law enforcement 13:50:31	10	in an eyewitness statement made reference to a 13:52:53
11	careers were over; is that correct?	11	pool cue; correct?
12	A. Yes.	12	A. Yes.
13	Q. What did you mean by that as you	13	Q. I don't recall what your answer is
14	heard it on the tape?	14	and frankly for purposes of my question I
15	MR. GOODSTADT: Objection. 13:50:40	15	don't care what your answer was. Let's look 13:53:03
16	A. I was angry.	16	at the Exhibit 14?
17	MR. CONNOLLY: Objection.	17	MR. GOODSTADT: Which is Exhibit
18	Q. I understand.	18	14?
19	A. I was angry at the things, at the	19	Q. This is the memo from Steve Jaeger
20	acquisitions that they were making. But as 13:50:47	20	to Ed Paradiso? 13:53:34
I		21	MR. CONNOLLY: You are going to
21	far as their law enforcement careers are over,		
	they are just going to remain where they are	22	have to give him a copy.
21	they are just going to remain where they are and that is what I hoped. And really that was	22 23	MR. NOVIKOFF: I thought the
21 22 23 24	they are just going to remain where they are and that is what I hoped. And really that was it. There was no threats made. I didn't do	22 23 24	MR. NOVIKOFF: I thought the reporter would have brought it. So we
21 22 23	they are just going to remain where they are and that is what I hoped. And really that was	22 23	MR. NOVIKOFF: I thought the

	1	13	277	
MR. GOODSTADT: I don't know.  MR. NOVIKOFF: Do you have a clean  MR. CONNOLLY: It has my 13:54:02  MR. GOODSTADT: That is fine.  MR. GOODSTADT: Objection.  A look it as a complaint to the chief as an eyewitness statement, or would you an indicating that it is Exhibit 14.  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as		Page 695		Page 697
MR. GOODSTADT: I don't know.  MR. NOVIKOFF: Do you have a clean  MR. CONNOLLY: It has my 13:54:02  MR. GOODSTADT: That is fine.  MR. GOODSTADT: Objection.  A look it as a complaint to the chief of the record that Mr your counsel's as an eyewitness statement, or would you characterize this 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A look it as a complaint filed to 13:54:43  MR. GOODSTADT: Objection.  A No.  O Does Mr. Jaeger in this letter entirivety of the altercation involving those to anything involving Gary Bosetti fighting these any individuals and Mr. Gary Bosetti?  MR. GOODSTADT: Objection.  A No.  O Does he indicate anywhere in this 13:55:15  MR. GOODSTADT: Objection.  A No.  J3:55:15  MR. GOODSTADT: Objection.  A No.  J3:58:27  MR. GOODSTADT: Objection.  A No.  J3:58:28  MR. GOODSTADT: Objection.  A No.  MR. GOODSTADT: Objection.  A No.  MR. GOODSTADT: Objection.  MR. GOODSTADT: Obj	1	Hesse	1	Hesse
MR. NOVIKOFF: Do you have a clean copy?  MR. CONNOLLY: It has my 13:54:02 handwriting on it.  MR. NOVIKOFF: It says Exhibit 14.  Can you show Mr. Goodstadt, Just —  MR. GOODSTADT: That is fine.  Q. I am going to skow you what I 13:54:17 represent to be marked as Exhibit 14, I will not be record that Mr. — your counsel's landwriting is on the bottom of that page in indicating that it is Exhibit 14.  Now, would you characterize this 13:54:29 landwriting is on the bottom of that page in indicating that it is Exhibit 14.  Now, would you characterize this 13:54:29 las as an eyewitness statement, or would you characterize this as a complaint to the chief coordering an action taken against Gary Bosetti Py Bosetti by the chief?  A. I took it as a complaint filed to 13:54:43 the chief about the actions that the chief coordering an action taken against Gary Bosetti for many ears he went and grabbed one of the alleged victims and forced him out the front door; yes?  A. Yes.  D. Does Mr. Jaeger in this letter indicate at all that he was a witness to the entirety of the altercation involving those 13:54:56 letter that he was an eyewitness to anything involving Gary Bosetti fighting these—any individual?  MR. GOODSTADT: Objection.  A. No.  Q. Does he indicate anywhere in this 13:55:04 letter that he was an eyewitness to anything involving Gary Bosetti fighting these—any individual?  MR. GOODSTADT: Objection.  A. No.  MR. GOODSTADT: Which we are going to have the same problem.  MR. KOVIKOFF: It saws Exhibit 16 at your deposition earlier and your counsel is handing you a copy of his.  MR. CONNOLLY: Which again notes  MR. CONNOLLY: Which again notes  MR. CONNOLLY: Which again notes				
copy?  MR. CONNOLLY: It has my 13:54:02   5				
MR. CONNOLLY: It has my   13:54:02		•		· · · · · · · · · · · · · · · · · · ·
6 handwriting on it.  7 MR. NOVIKOFF: It says Exhibit 14.  8 Can you show Mr. Goodstadt, I just				
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20 is 3165 and 3166. I represent that it was 13:56:04 21 marked as Exhibit 16 at your deposition 22 earlier and your counsel is handing you a copy 23 of his. 24 MR. CONNOLLY: Which again notes 20 extraneous handwriting other than the exhibit 13:58:44 21 number. 22 Again I represent that Exhibit 15, 23 what I am handing you is document 3181 through 24 3182?	18	Q. I am going to ask you to read,	18	·
21 marked as Exhibit 16 at your deposition 22 earlier and your counsel is handing you a copy 23 of his. 24 MR. CONNOLLY: Which again notes 25 number. 26 Again I represent that Exhibit 15, 27 what I am handing you is document 3181 through 28 29 20 21 22 Again I represent that Exhibit 15, 29 20 21 3182?	19	same representation that what I am showing you	19	have him show to the extent that there is no
22 earlier and your counsel is handing you a copy 23 of his. 24 MR. CONNOLLY: Which again notes 22 Again I represent that Exhibit 15, 23 what I am handing you is document 3181 through 24 3182?	20	is 3165 and 3166. I represent that it was 13:56:04	20	extraneous handwriting other than the exhibit 13:58:44
23 of his. 24 MR. CONNOLLY: Which again notes 23 what I am handing you is document 3181 through 24 3182?	21	marked as Exhibit 16 at your deposition	21	number.
23 <b>of his.</b> 24 MR. CONNOLLY: Which again notes 23 <b>what I am handing you is document 3181 through</b> 24 <b>3182?</b>	22	earlier and your counsel is handing you a copy	22	Again I represent that Exhibit 15,
	23		23	what I am handing you is document 3181 through
25 that it is Exhibit 16 in my handwriting? 13:56:15 25 A Correct 13:50:04	24	MR. CONNOLLY: Which again notes	24	3182?
20 and to Daniot 10 in my indicaviting. 13.30.13   20 11. Contot. 13.37.07	25	that it is Exhibit 16 in my handwriting? 13:56:15	25	A. Correct. 13:59:04

		<u> 278</u>	
	Page 699		Page 701
1	Hesse	1	Hesse
2	Q. And it was marked as Exhibit 15 by	2	statement that she saw Mr. Bosetti use a pool
3	Mr. Goodstadt when he was questioning you. I	3	cue?
4	am going to ask you to read this one and then	4	A. No, I don't find it strange.
5	tell me when you are done? 13:59:15	5	Q. The same thing with Mr. Wyckoff, 14:03:12
6	A. Okay.	6	given the fact that Mr. Wyckoff indicated that
7	MR. CONNOLLY: Just let me see it	7	at some point in time in the statement he took
8	for a second. Okay.	8	one of the alleged victims and forced him out
9	Q. Now, I have showed you Exhibit 15,	9	of the bar, does it seem strange to you that
10	and whose signature whose eyewitness 14:01:20	10	Mr. Wyckoff didn't see Mr. Bosetti use a pool 14:03:27
11	statement is that; that is Jeannie Jaeger; is	11	cue?
	that correct?	12	A. No, I don't find it strange.
12			_
13	A. Yes.	13	Q. In fact if Mr. Wyckoff said he saw
14	Q. Does Ms. Jaeger in this eyewitness	14	Mr. Bosetti use a pool cue when in fact he
15	statement or this statement indicate that at 14:01:29	15	didn't, Mr. Wyckoff would be committing a 14:03:39
16	some point in time she went into the woman's	16	perjurious act; is that correct?
17	bathroom after the altercation began?	17	A. Yes, he would be lying.
18	MR. GOODSTADT: Objection.	18	Q. Let's look at Mr. Steven Jaeger.
19	A. Yes.	19	Now if Mr. Steve Jaeger indicated in his
20	Q. Why don't you tell the court what 14:01:41	20	letter of complaint to Chief Paradiso that he 14:03:51
21	Ms. Jaeger is saying with regard to when she	21	knew that Gary Bosetti used a pool cue when in
22	went back into the bathroom?	22	fact he never was an eyewitness to that, he
23	A. You want me to read it?	23	would be lying as well?
24	Q. Yes, please.	24	A. Correct.
25	MR. GOODSTADT: Objection. 14:01:50	25	Q. So to the extent that Mr. 14:04:06
	Page 700		Page 702
	_		
1	Hesse	1	Hesse
2	A. "The man then lunged towards Gary	2	Goodstadt showed you this letter of complaint
3	and fell into the corner with the parking	3	as a purported eyewitness statement, does it
4	meter, taking the girl dressed as a cop with	4	seem strange to you now does it seem
5	him. They were both down and not moving when 14:02:08	5	strange to you that Mr. Budd Jaeger made no 14:04:18
6	I grabbed Elyse and ducked into the ladies	6	reference to Gary Bosetti using a pool cue?
7	room."	7	MR. GOODSTADT: Objection.
8	Q. Would you agree with me that if	8	A. No. At this time, no.
9	Ms. Jaeger was in the ladies room at the time	9	Q. Let's look at Exhibit 19, and this
10	that Mr. Bosetti had used the pool cue and the 14:02:23	10	one I think he showed you today? 14:04:41
11	bathroom door was closed, she could not have	11	A. Yes, it is somewhere in here.
12	seen Mr. Bosetti use the pool cue?	12	Q. Now, Exhibit 19 is a statement of
13	MR. GOODSTADT: Objection.	13	Elyse Miller; is that correct?
14	A. Yes.	14	A. Yes.
15	Q. Would you agree with me that if 14:02:33	15	Q. At least it purports to be a 14:04:57
16	she put in this statement that she put, that	16	statement of Elyse Miller?
17	she saw Mr. Bosetti use a pool cue when in	17	A. Yes.
18	fact she didn't, she would be committing a	18	Q. Mr. Goodstadt asked you a series
		19	of questions about that, do you recall?
	neriurious act?	۱ <sup>-</sup> ′	= -
19	perjurious act?  A Ves she would be lying ves 14:02:45	20	$\Delta = Ves = 14.05.03$
19 20	A. Yes, she would be lying, yes. 14:02:45	20	A. Yes. 14:05:03  O Let's go to the third page of this
19 20 21	A. Yes, she would be lying, yes. 14:02:45 MR. GOODSTADT: Objection.	21	Q. Let's go to the third page of this
19 20 21 22	<ul> <li>A. Yes, she would be lying, yes. 14:02:45</li> <li>MR. GOODSTADT: Objection.</li> <li>Q. Does it seem strange to you that</li> </ul>	21 22	Q. Let's go to the third page of this document, 3171?
19 20 21 22 23	A. Yes, she would be lying, yes. 14:02:45 MR. GOODSTADT: Objection.  Q. Does it seem strange to you that based upon the fact that Ms. Jaeger went into	21 22 23	Q. Let's go to the third page of this document, 3171?  A. Okay.
19 20 21 22	<ul> <li>A. Yes, she would be lying, yes. 14:02:45</li> <li>MR. GOODSTADT: Objection.</li> <li>Q. Does it seem strange to you that</li> </ul>	21 22	Q. Let's go to the third page of this document, 3171?

	13	ندرح	
	Page 703		Page 705
1	Hesse	1	Hesse
2	A. Yes.	2	didn't see him use a pool cue, that would have
3	Q. I am going to read it into the	3	been a perjurious statement; correct?
4	record: "At that point the guy in the orange	4	A. Yes. She would have been lying.
5	jump suit reached for Jean's throat, he was 14:05:28	5	MR. GOODSTADT: You don't want to 14:07:34
6	going to choke her. Jean was trapped. The	6	discuss the part when she opens the door
7	wall to the men's room was behind her and	7	and discusses the rest of it?
8	there was no place to move in that little	8	MR. NOVIKOFF: No. You may.
9	bathroom waiting area. I started to grab for	9	Q. Now let's look at Exhibit 20,
10	his wrist trying to get him off, but 14:05:45	10	because you know these things happen in the 14:07:51
11	thankfully Gary appeared and pushed him to the	11	blink of an eye.
12	ground and away from Jean. The guy fell down	12	MR. GOODSTADT: Recollections are
13	bringing Gary and the girl with him. Suddenly	13	sketchy, right, they become snapshots.
14	another guy appeared, I believe he had on a	14	MR. NOVIKOFF: They do, especially
15	gray shirt. Gary told the guy that he was a 14:06:01	15	if there is alcohol involved. 14:08:02
16	cop, telling him to step back, get out of the	16	MR. GOODSTADT: Read the statement
17	way and to stay out of it. But the guy said	17	yourself.
18	he didn't care who Gary was and he went to	18	Q. You know what, before we get to
19	kick Gary in the head. Gary blocked the kick	19	that, you are looking at an exhibit with one
20	and Jean and I were pushed further back in the 14:06:16	20	of the alleged victims that Mr. Goodstadt 14:08:12
21	tight space now trapped. Jean pulled me into	21	showed you; right?
22	the ladies room for safety."	22	A. Yes.
23	Do you see that?	23	Q. What exhibit number was that?
24	A. Yes.	24	A. 17.
25	Q. Let's assume, I wasn't there, you 14:06:26	25	Q. Is there a picture there with a 14:08:17
	Q. Let's assume, I wasn't mere, you 14.00.20	25	Q. Is there a picture there with a 14.00.17
	Page 704		Page 706
1	Hesse	1	Hesse
2	were not there, no one in this room was there.	2	neck brace on?
3	The only people well, actually none of the	3	A. Yes.
4	police officers were there.	4	Q. Is that standard procedure for a
5	Let's assume for the purpose of 14:06:35	5	victim that you believe have injuries when you 14:08:23
6	this question that Gary Bosetti used the pool	6	want to move them to put them in a neck brace?
7	cue while Elyse Miller was in the bathroom,	7	MR. GOODSTADT: Objection.
8	and let's assume that the door was closed.	8	A. No.
9	Could Elyse Miller have seen Gary Bosetti use	9	Q. Do you think he went to the bar
10	the pool cue while she was in the bathroom 14:06:52	10	with a neck brace? 14:08:33
11	with the door closed?	11	A. No.
12	MR. GOODSTADT: Objection.	12	Q. So at some point in time after he
13	A. No.	13	left the bar that night somebody put him in a
14	Q. Let's assume for the purpose of my	14	neck brace?
15	question that in fact Gary Bosetti used the 14:06:59	15	A. At some point, yes. 14:08:40
16	pool cue while Elyse Miller was in the	16	Q. Do you know who did?
17	bathroom with the door closed. Would it be	17	A. I believe one of the EMTs did.
	strange to you that Elyse Miller didn't put	18	Q. Let's go back to Exhibit 20, Ian
18	strange to you that Eryse while than t but	l	Levine, and read Mr. Levine's statement to
		19	Devine, and read with Devine 5 statement to
18	down in her statement that Gary Bosetti had	19 20	
18 19	down in her statement that Gary Bosetti had used a pool cue? 14:07:13		yourself and then tell me when you are done? 14:08:52
18 19 20	down in her statement that Gary Bosetti had used a pool cue? 14:07:13  A. No.	20	yourself and then tell me when you are done? 14:08:52  A. I need a magnifying glass.
18 19 20 21 22	down in her statement that Gary Bosetti had used a pool cue? 14:07:13  A. No.  Q. In fact if Gary Bosetti had used	20 21	yourself and then tell me when you are done? 14:08:52  A. I need a magnifying glass.  Okay.
18 19 20 21 22 23	down in her statement that Gary Bosetti had used a pool cue? 14:07:13  A. No.  Q. In fact if Gary Bosetti had used a pool cue I'm sorry, and in fact had Elyse	20 21 22	yourself and then tell me when you are done?  A. I need a magnifying glass. Okay.  Q. Now, Mr. Levine makes no mention
18 19 20 21 22 23 24	down in her statement that Gary Bosetti had used a pool cue? 14:07:13  A. No.  Q. In fact if Gary Bosetti had used	20 21 22 23	yourself and then tell me when you are done?  A. I need a magnifying glass. Okay.  Q. Now, Mr. Levine makes no mention of the fact that Gary Bosetti used a pool cue

		280	Dana 700
	Page 707		Page 709
1	Hesse	1	Hesse
2	A. No, he did not.	2	incident. Do you recall questions about that?
3	Q. Did Mr. Levine indicate in this	3	A. Yes.
4	thing that he saw the entirety of the	4	Q. Have you read the complaint in
5	altercation involving Mr. Gary Bosetti? 14:10:52	5	this matter? 14:12:42
6	MR. GOODSTADT: Objection.	6	A. Yes.
7	A. No.	7	Q. There is a whole lot of in fact
8	Q. In fact isn't it true that at	8	there is about 26 allegations I think about
9	least in this statement Mr. Levine said at	9	you covering up or the Ocean Beach Police
10	some point in time after the altercation 14:11:06	10	Department covering up something with regard 14:12:53
11	started he used his cell phone to make a call	11	to the Halloween incident; correct?
12	to the police?	12	A. Yes.
13	MR. GOODSTADT: Objection.	13	Q. And you had rumors that some of
14	A. Yes, he did.	14	the plaintiffs here thought that there was a
15	MR. NOVIKOFF: Leading? 14:11:15	15	cover up; correct? 14:13:01
16	MR. GOODSTADT: The document	16	A. Yes.
17	speaks for itself.	17	Q. Let me ask you these questions,
18	MR. CONNOLLY: And going forward	18	
	so we don't have any talk overs and drive		did you cover up anything involving the Halloween incident?
19	·	19	
20	the reporter crazy, wait a second or two 14:11:22	20	A. Absolutely not. 14:13:06
21	to allow for any objections.	1	Q. Did Chief Paradiso cover up
22	Q. So now hypothetically, sir, if Mr.	22	anything?
23	Levine took his eyes away from the altercation	23	A. Absolutely not.
24	while he went to get his cell phone, dial the	24	Q. To your knowledge did Mr. Cherry
25	number for the police, talked to whomever he 14:11:37	25	cover up anything? 14:13:13
	Page 708		Page 710
1		1	
1	Hesse	1 2	Hesse
2	Hesse talked to on the police, hang up the cell	2	Hesse A. Absolutely not.
2	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it	2 3	Hesse A. Absolutely not. Q. To your knowledge did any trustee
2 3 4	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation	2 3 4	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything?
2 3 4 5	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58	2 3 4 5	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19
2 3 4 5 6	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?	2 3 4 5 6	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers
2 3 4 5 6 7	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct.	2 3 4 5 6 7	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving
2 3 4 5 6 7 8	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection.	2 3 4 5 6 7 8	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident?
2 3 4 5 6 7 8 9	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically?	2 3 4 5 6 7 8	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No.
2 3 4 5 6 7 8 9	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58	2 3 4 5 6 7 8 9	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25
2 3 4 5 6 7 8 9 10	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then	2 3 4 5 6 7 8 9 10	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween
2 3 4 5 6 7 8 9 10 11	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary	2 3 4 5 6 7 8 9 10 11	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any
2 3 4 5 6 7 8 9 10 11 12	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement	2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you?
2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would	2 3 4 5 6 7 8 9 10 11 12 13	A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10 A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44 Q. Did the issue of withdrawn.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10 A. Yes. Q. Now based upon your review of Mr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44 Q. Did the issue of withdrawn. At some point in time there were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10 A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44 Q. Did the issue of withdrawn.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10 A. Yes. Q. Now based upon your review of Mr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44 Q. Did the issue of withdrawn. At some point in time there were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse talked to on the police, hang up the cell phone and put the cell phone back wherever it was, had he taken his eyes off the altercation he may not have seen Mr. Bosetti use a pool 14:11:58 cue; correct?  A. That is correct. MR. GOODSTADT: Objection. Q. Hypothetically? A. Yes. 14:11:58 Q. And you would agree with me then that if Mr. Levine, had he not seen Gary Bosetti use a pool cue, put in the statement that he in fact did use a pool cue, that would have been a perjurious statement? 14:12:10 A. Yes. Q. Now based upon your review of Mr. Levine's statement and the fact that he used a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. Absolutely not. Q. To your knowledge did any trustee member instruct you to cover up anything? A. No. 14:13:19 Q. To your knowledge did Mayor Rogers instruct you to cover up anything involving the Halloween incident? A. No. Q. To your knowledge was the issue of 14:13:25 covering up anything involving the Halloween incident ever mentioned between you and any person higher in authority than you? A. No. MR. GOODSTADT: Objection. 14:13:44 Q. Did the issue of withdrawn. At some point in time there were arrests made with regard to the Halloween
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		281
	Page 711	Page 713
1	Hesse	1 Hesse
2	Q. And what was Brian Van Koot	2 your experience at Ocean Beach is it up to
3	arrested for?	3 the Suffolk County District Attorney
4	A. Harassment on Jean Jaeger for	4 Prosecutor's office to decide ultimately
5	choking her, and assault third on Gary 14:14:11	5 whether or not to prosecute someone who is 14:15:58
6	Bosetti.	6 arrested?
7	Q. What was the who was the other	7 A. Yes.
8	individual?	8 Q. So if I understand correctly,
9	A. Christopher Schalik.	9 merely because Van Koot and Schalik were
10	Q. So we have Van Koot and Schalik? 14:14:18	arrested didn't automatically mean that they 14:16:07
11	A. Yes.	were going to be prosecuted by the District
12	Q. What was Mr. Schalik arrested for?	12 Attorney's office?
13	A. Assault on Gary Bosetti.	13 A. Well, we could back up a little
14	Q. Now, an arrest is a serious	14 bit if I may.
15	matter; correct? 14:14:35	Q. Okay. Answer that question 14:16:16
16	MR. GOODSTADT: Objection.	answer the way you want. If Mr. Goodstadt
17	A. Yes.	objects or makes a motion to strike later on
18	Q. Just could you tell I guess the	18 we will don't with it.
19	jury may one day, hopefully not, but maybe one	19 A. They were not arrested until I had
20	day see this videotape with your deposition, 14:14:43	20 the approval of the District Attorney's 14:16:30
21	could you tell the jury what takes place after	21 office.
22	someone is arrested?	Q. That is interesting. I never knew
23	MR. CONNOLLY: Objection.	23 that, so let me then ask you this question.
24	MR. GOODSTADT: Objection.	Prior to arresting Van Koot and
25	Q. In terms of the process and the 14:14:58	25 Schalik did you seek the approval from any law 14:16:42
	•	
	D 710	D 714
	Page 712	Page 714
1	Hesse	1 Hesse
2	Hesse procedure?	1 Hesse 2 enforcement entity or District Attorney's
	Hesse procedure? A. There is a process.	<ul> <li>Hesse</li> <li>enforcement entity or District Attorney's</li> <li>office?</li> </ul>
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Page 715	
	Page 717
1 Hesse	1 Hesse
2 believe on this case, and I faxed everything	Q. And we are now August of 2009, so
3 to her, she read it over. She said she needed	3 almost five years removed. To your knowledge
4 to speak to her bureau chief which in turn she	4 have you ever been brought up on charges
5 did. She got back to me and she said that the 14:18:08	5 concerning a cover up of the Halloween 14:20:17
6 charges look good. And then I filed the	6 incident?
7 charges with the court.	7 A. No.
<b>Q.</b> How long was the process between	8 Q. Has anyone been brought up on
9 your first communication with Ms. Sullivan and	9 charges concerning the Halloween incident?
10 then her advising you as you just testified 14:18:21	10 A. No. 14:20:26
11 that the charges looked good?	11 Q. To your knowledge has the village
12 A. Couple of days maybe.	12 been sued by Van Koot or Schalik concerning
13 Q. You only had two conversations	13 the events surrounding that evening?
14 with Mallory prior to arresting?	14 A. No, they did not.
15 A. That was it, yeah. 14:18:33	15 Q. Are you aware if the District 14:20:34
Q. What did you fax over to her?	16 Attorney is investigating you or the Ocean
17 A. The entire package. It was all of	17 Beach Police Department with regard to a cover
18 the plaintiff's statements. Their reports, my	18 up of the Halloween incident?
19 reports. The charges that I was going to	19 A. Am I aware of an investigation?
20 draft up, the assault and harassment. I 14:18:47	20 <b>Q. Yes.</b> 14:20:43
21 believe Officer Bosetti's statement, Rich	A. I believe there is an
22 Bosetti's statements. Basically every kit and	22 investigation done.
23 caboodle that you see her in front, all these	Q. You believe that that
24 statements, I sent everything.	24 investigation has concluded?
Q. Did Ms. Sullivan ever advise you 14:19:05	25 MR. GOODSTADT: Objection. 14:20:49
Page 716	Page 718
1 Hesse	1 Hesse
2 that she thought any of the witness statements	2 A. I don't know.
3 were strange?	Q. But this is now five years ago;
o were strange.	3 Q. But this is now five years ago;
4 A. No.	4 correct?
	<ul> <li>4 correct?</li> <li>5 A. This was five years ago, yes. 14:20:55</li> </ul>
A. No.  Q. Did she ever question you as to 14:19:12  why no witness statement other than perhaps	<ul> <li>4 correct?</li> <li>5 A. This was five years ago, yes. 14:20:55</li> <li>6 Q. What is the basis for your belief</li> </ul>
A. No.  Q. Did she ever question you as to 14:19:12  why no witness statement other than perhaps the Bosetti's, Mr. Gary Bosetti's indicated	<ul> <li>4 correct?</li> <li>5 A. This was five years ago, yes. 14:20:55</li> <li>6 Q. What is the basis for your belief</li> <li>7 that the Suffolk County District Attorney's</li> </ul>
A. No.  Q. Did she ever question you as to 14:19:12  why no witness statement other than perhaps  the Bosetti's, Mr. Gary Bosetti's indicated  didn't indicate a pool cue being used?	<ul> <li>4 correct?</li> <li>5 A. This was five years ago, yes. 14:20:55</li> <li>6 Q. What is the basis for your belief</li> <li>7 that the Suffolk County District Attorney's</li> <li>8 office was investigating an alleged cover up?</li> </ul>
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	13	ىرىم	
	Page 719		Page 721
1	Hesse	1	Hesse
2	one assault for Van Koot, one assault for	2	opportunity to come present themselves to the
3	Schalik. I filed it with the court clerk.	3	court, and they did?
4	She subsequently issued criminal summonses for	4	A. Which they did, yes.
5	their appearance signed by the judge, and they 14:22:00	5	Q. So no officer went to their house 14:23:50
6	turned themselves in.	6	to arrest them?
7	Q. So if I understand your testimony	7	A. No.
8	correctly, the judge had to sign off on the	8	Q. No one put them in handcuffs and
9	criminal summonses; right?	9	took them in a boat back to Ocean Beach;
10	A. Yes. 14:22:13	10	right? 14:23:59
11	Q. And presumably if the judge didn't	11	A. No.
12	think that there was enough good cause he or	12	Q. And so they came into court, they
13	she would not have signed the summonses?	13	were arraigned. How were they arraigned, were
14	MR. GOODSTADT: Objection.	14	you there?
15	A. I would suspect, yeah. 14:22:20	15	A. Yes. 14:24:07
16	Q. You would suspect yes?	16	Q. Describe for the court what took
17	A. Yes.	17	place?
18	Q. So now we have before the arrest	18	A. Its funny because that year for
19	were made and correct me if I am wrong, the	19	whatever reason the courtroom was shut down,
20	DA you had done your investigation? 14:22:31	20	we had to use the village office which was 14:24:17
21	A. Yes.	21	<del>-</del>
22			close to do the public except for court
23	Q. The DA had looked at whatever you sent them?	22	purposes. We set up a table, the judge sat
		23	behind the table. They stood before the judge
24	A. Yes.	24	and they pled not guilty.
25	Q. And they gave you the green light? 14:22:39	25	Q. So the charges were read against 14:24:32
	Page 720		Page 722
1	Hesse	1	Hesse
2	A. Yes.	2	them?
3	Q. And the judge gave you the green		VII.V
		ıs	A. Yes.
4	light?	3 4	<ul><li>A. Yes.</li><li>O. Who read the charges against them?</li></ul>
4 5	light? A. Yes. 14:22:43	4	Q. Who read the charges against them?
5	A. Yes. 14:22:43	4 5	<ul><li>Q. Who read the charges against them?</li><li>A. The judge. 14:24:37</li></ul>
5 6	<ul><li>A. Yes. 14:22:43</li><li>Q. What happened after the judge gave</li></ul>	4 5 6	<ul> <li>Q. Who read the charges against them?</li> <li>A. The judge. 14:24:37</li> <li>Q. And they were represented by</li> </ul>
5	A. Yes. 14:22:43 Q. What happened after the judge gave you the green light?	4 5 6 7	<ul><li>Q. Who read the charges against them?</li><li>A. The judge. 14:24:37</li><li>Q. And they were represented by counsel?</li></ul>
5 6 7	A. Yes. 14:22:43 Q. What happened after the judge gave you the green light? A. They came into court I believe in	4 5 6 7 8	<ul> <li>Q. Who read the charges against them?</li> <li>A. The judge. 14:24:37</li> <li>Q. And they were represented by counsel?</li> <li>A. By counsel, yes.</li> </ul>
5 6 7 8 9	A. Yes. 14:22:43  Q. What happened after the judge gave you the green light?  A. They came into court I believe in December sometime, and they were arraigned and	4 5 6 7 8 9	<ul> <li>Q. Who read the charges against them?</li> <li>A. The judge. 14:24:37</li> <li>Q. And they were represented by counsel?</li> <li>A. By counsel, yes.</li> <li>Q. By one or two counsel?</li> </ul>
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		284
	Page 723	Page 725
1	Hesse	1 Hesse
2	Q. Weeks later, months later?	2 plea taken?
3	A. It was probably a month or two.	3 A. I remember sitting in court and
4	It could have been longer.	4 listening to the plea and the allocution?
5	Q. Had you had any communication with 14:25:17	5 Q. What did Van Koot to the best of 14:26:54
6	the District Attorney's office between the	6 your recollection plea to?
7	time of the arraignment and the time of the	7 A. You know what, I don't know.
8	plea?	8 Disorderly conduct maybe.
9	A. No.	9 Q. Do you know what he allocuted to?
10	Q. Were you aware at all that there 14:25:24	10 A. He did admit to choking Jean 14:27:08
11	were plea discussions going on?	11 Jaeger. He did admit to holding Gary Bosetti
12	A. I was aware, but I didn't know	12 while Chris Schalik kicked him in the face.
13	what they were.	13 Q. And what did Chris Schalik plea to
14	Q. How were you aware?	14 to the best of your recollection?
15	A. I know because they had to make 14:25:31	15 A. Probably the same type of 14:27:26
16	motions for discovery and everything else. So	16 disorderly conduct.
17	I know they were communicating back and forth,	17 Q. What did to the best of your
		18 recollection Chris Schalik allocute to?
18	but other than an actual plea deal, I don't	
19	know if I knew so until towards the end.	
20	Q. To your knowledge the defendant's 14:25:44	20 Officer Gary Bosetti, or attempted to kick him 14:27:37
21	counsel made motions to get discovery?	21 in the face.
22	A. Sure.	Q. Now did these witnesses to your
23	Q. What was your involvement?	23 recollection advise Officer Lamm that evening
24	A. At this point?	24 that Schalik had in fact kicked Bosetti in the
25	Q. How did you learn that they made 14:25:52	25 face while Van Koot had him on the ground? 14:27:56
	Page 724	Page 726
1		_
1 2	Hesse	1 Hesse
2	Hesse motions for discovery?	1 Hesse 2 A. Did Christopher Schalik advise him
2 3	Hesse motions for discovery? A. I was in court when they made the	1 Hesse 2 A. Did Christopher Schalik advise him 3 that he did
2 3 4	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and	<ul> <li>Hesse</li> <li>A. Did Christopher Schalik advise him</li> <li>that he did</li> <li>Q. According to any statement that</li> </ul>
2 3 4 5	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01	<ul> <li>Hesse</li> <li>A. Did Christopher Schalik advise him</li> <li>that he did</li> <li>Q. According to any statement that</li> <li>Lamm provided you did he ever indicate in that 14:28:05</li> </ul>
2 3 4 5 6	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the	<ul> <li>Hesse</li> <li>A. Did Christopher Schalik advise him</li> <li>that he did</li> <li>Q. According to any statement that</li> <li>Lamm provided you did he ever indicate in that 14:28:05</li> <li>statement that Schalik admitted to kicking</li> </ul>
2 3 4 5 6 7	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to	Hesse A. Did Christopher Schalik advise him that he did  Q. According to any statement that Lamm provided you did he ever indicate in that 14:28:05 statement that Schalik admitted to kicking Bosetti in the face while Van Koot had him on
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2 3 4 5 6 7 8 9	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to your knowledge produce any discovery?  A. Yes.	Hesse A. Did Christopher Schalik advise him that he did  Q. According to any statement that Lamm provided you did he ever indicate in that 14:28:05 statement that Schalik admitted to kicking Bosetti in the face while Van Koot had him on the ground?  A. No.
2 3 4 5 6 7 8 9	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to your knowledge produce any discovery?  A. Yes.  Q. Do you know what the District 14:26:09	1 Hesse 2 A. Did Christopher Schalik advise him 3 that he did 4 Q. According to any statement that 5 Lamm provided you did he ever indicate in that 14:28:05 6 statement that Schalik admitted to kicking 7 Bosetti in the face while Van Koot had him on 8 the ground? 9 A. No. 10 Q. In any statement that you saw Lamm 14:28:17
2 3 4 5 6 7 8 9 10	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to your knowledge produce any discovery?  A. Yes.  Q. Do you know what the District 14:26:09 Attorney produced?	1 Hesse 2 A. Did Christopher Schalik advise him 3 that he did 4 Q. According to any statement that 5 Lamm provided you did he ever indicate in that 14:28:05 6 statement that Schalik admitted to kicking 7 Bosetti in the face while Van Koot had him on 8 the ground? 9 A. No. 10 Q. In any statement that you saw Lamm 14:28:17 11 provide you during the course of the
2 3 4 5 6 7 8 9 10 11 12	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to your knowledge produce any discovery?  A. Yes.  Q. Do you know what the District 14:26:09 Attorney produced?  A. I believe all these documents that	1 Hesse 2 A. Did Christopher Schalik advise him 3 that he did 4 Q. According to any statement that 5 Lamm provided you did he ever indicate in that 14:28:05 6 statement that Schalik admitted to kicking 7 Bosetti in the face while Van Koot had him on 8 the ground? 9 A. No. 10 Q. In any statement that you saw Lamm 14:28:17 11 provide you during the course of the 12 investigation or even from that evening did he
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2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse motions for discovery?  A. I was in court when they made the motions. They were speaking to the judge and working out what they needed to do. 14:26:01  Q. Pursuant to that motion did the village or did the District Attorney to your knowledge produce any discovery?  A. Yes.  Q. Do you know what the District 14:26:09  Attorney produced?  A. I believe all these documents that are sitting in front of us too.  Q. So at least to your knowledge now the District Attorney had an opportunity to 14:26:17	1 Hesse 2 A. Did Christopher Schalik advise him 3 that he did 4 Q. According to any statement that 5 Lamm provided you did he ever indicate in that 14:28:05 6 statement that Schalik admitted to kicking 7 Bosetti in the face while Van Koot had him on 8 the ground? 9 A. No. 10 Q. In any statement that you saw Lamm 14:28:17 11 provide you during the course of the 12 investigation or even from that evening did he 13 ever advise in that statement that Van Koot 14 admitted to holding Bosetti down while Schalik 15 kicked him in the face? 14:28:30
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	Page 727	Page 729
1	Hesse	1 Hesse
2	Bosetti while Van Koot held him down?	2 evidence. No names, no phone numbers, they
3	A. No.	3 didn't secure the premise, they could have
4	Q. Same question with regard to Nofi.	4 shut the doors, turn the lights on, turn the
5	In any statement that Nofi ever Snyder, 14:28:58	5 music on. I think there was just a lot of bad 14:31:35
6	excuse me.	6 decisions made throughout the course of the
7	A. Nofi was not there.	7 entire incident.
8	•	
9	me, Fiorillo. With regard to Fiorillo, in any	
10	statement that Fiorillo provided you did he 14:29:12	10 include Snyder and Lamm into that description 14:31:46
11	ever state in there that Van Koot acknowledged	11 as well, or I could just ask you the questions
12	that he held Bosetti down while Schalik kicked	12 one by one if you want?
13	him?	13 A. Yes, I do.
14	A. No.	Q. So when you say you thought that
15	Q. Same question now, did Fiorillo 14:29:27	15 there were bad decisions made you are 14:31:55
16	ever acknowledge did Fiorillo ever state in	16 referring to Fiorillo, Lamm and Snyder?
17	any statement that he gave you or any report	17 A. Yes.
18	that he gave you that Schalik admitted to	18 Q. I'm going to try to do this
19	kicking Gary Bosetti while he was being held	19 without boring everyone to death and going
20	down by Van Koot? 14:29:42	20 line by line through the complaint for the 14:32:36
21	A. No.	21 sake of expediency. Did any of the plaintiffs
22	Q. So would you agree with me that	22 ever complain to you about having to drive you
23	assuming that Van Koot and Schalik truthfully	23 to anyplace in Ocean Beach for something
24	allocuted to the events that took place that	24 unrelated to official duties?
25	evening, that they had lied to the officers 14:29:56	25 A. No. 14:33:00
	Page 728	Dama 720
		Page /30
_		Page 730
1	Hesse	1 Hesse
2	Hesse that evening?	1 Hesse 2 MR. CONNOLLY: Objection.
2	Hesse that evening? MR. GOODSTADT: Objection.	<ol> <li>Hesse</li> <li>MR. CONNOLLY: Objection.</li> <li>Q. Did the plaintiffs ever drive you</li> </ol>
2 3 4	Hesse that evening? MR. GOODSTADT: Objection. A. Yes.	<ul> <li>Hesse</li> <li>MR. CONNOLLY: Objection.</li> <li>Q. Did the plaintiffs ever drive you</li> <li>anywhere in Ocean Beach for duties unrelated</li> </ul>
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2 3 4 5 6	Hesse that evening? MR. GOODSTADT: Objection. A. Yes. Q. How would you describe, I am going 14:30:07 to go officer by officer now, and I am only	<ul> <li>Hesse</li> <li>MR. CONNOLLY: Objection.</li> <li>Q. Did the plaintiffs ever drive you</li> <li>anywhere in Ocean Beach for duties unrelated</li> <li>to you being a police officer? 14:33:06</li> <li>A. No.</li> </ul>
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	13	286	
	Page 731		Page 733
1	Hesse	1	Hesse
2	officers drinking in bars while in uniform?		box.
3	A. No.	3	For whatever reason they disagreed
			with me and they went to our judge at the
4	Q. Did any of the plaintiffs ever		
5	complain to you with regard to their 14:34:11		time, Joe Russell, who sat as a criminal judge 14:36:37
6	eyewitnessing any officers drinking in the		in our court, but was a civil attorney. I
7	bars when off duty?		guess they asked him the same question, and he
8	A. Not a complaint, but I knew.		was like sure, you can do that. So they went
9	Q. All I care about is what the		over my head to somebody else that is not part
10	plaintiffs said to you? 14:34:27		of the Police Department to ask them 14:36:55
11	A. There was never a complaint.		permission to do it, and subsequently they
12	Q. That is what I am asking. So		started doing it.
13	let's break it down a little bit and go back	13	One evening I caught them outside
14	so the record is clear. Did any of the		the Police Department in the police car behind
15	plaintiffs ever complain to you about any 14:34:35		closed doors taking cash off of somebody for 14:37:07
16	officers while off duty drinking in bars in		bail. Now the money was accounted for, so
17	Ocean Beach?		there was no suspect that they were stealing
18	A. No complaints.	18	or anything. But as far as my previous wish
19	Q. Did any of the plaintiffs ever	19	that they do not do it, they were told not to
20	complain to you about the subject of you 14:34:57	20	do it, they did it anyway. And I have caught 14:37:25
21	selectively enforcing the laws?	21	them since doing it.
22	A. No.	22	So they were reprimanded,
23	Q. Did any of the plaintiffs ever	23	counseled in personal by me.
24	complain to you about treating them	24	Q. Did Lamm ever complain to you
25	differently than any other police officer? 14:35:14	25	about anything going on concerning the Ocean 14:37:42
	Page 732		Page 734
	Page 732		Page 734
1	Hesse	1	Hesse
2	Hesse A. No.	2	Hesse Beach Police Department?
2	Hesse A. No. Q. Do you recall any complaints that	2	Hesse Beach Police Department? MR. GOODSTADT: Objection.
2 3 4	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning	2 3 4	Hesse Beach Police Department?  MR. GOODSTADT: Objection.  A. That is a little broad, but no, no
2 3 4 5	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33	2 3 4 5	Hesse Beach Police Department?  MR. GOODSTADT: Objection.  A. That is a little broad, but no, no complaints.  14:37:53
2 3 4 5 6	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other	2 3 4 5 6	Hesse Beach Police Department?  MR. GOODSTADT: Objection.  A. That is a little broad, but no, no complaints.  14:37:53  Q. I tried to make it as broad as I
2 3 4 5	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the	2 3 4 5	Hesse Beach Police Department?  MR. GOODSTADT: Objection.  A. That is a little broad, but no, no complaints.  14:37:53  Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you
2 3 4 5 6 7 8	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the windows?	2 3 4 5 6 7 8	Hesse Beach Police Department?  MR. GOODSTADT: Objection.  A. That is a little broad, but no, no complaints.  14:37:53  Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you about the Bosetti's?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the windows? A. No. Q. Were there any other examples of 14:35:39 insubordination that you can think of with regard to Frank Fiorillo other than what you have testified to? A. Yes, there was you know at lunch I started thinking about it a little bit and 14:35:50 there was one other incident that he and Kevin Lamm both came to me and asked for whatever reason if they could take bail, station house	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Beach Police Department?    MR. GOODSTADT: Objection.    A. That is a little broad, but no, no complaints.         14:37:53         Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you about the Bosetti's?         A. No.         Q. Did Fiorillo ever complain to you 14:38:04 about the Bosetti's?         A. No.         Q. Did Snyder ever complain to you about anything involving the conduct of any person affiliated with the Ocean Beach Police 14:38:19 Department?         A. No.         Q. Same question with regard to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the windows? A. No. Q. Were there any other examples of 14:35:39 insubordination that you can think of with regard to Frank Fiorillo other than what you have testified to? A. Yes, there was you know at lunch I started thinking about it a little bit and 14:35:50 there was one other incident that he and Kevin Lamm both came to me and asked for whatever reason if they could take bail, station house bail outside the station house, and I told them no. That is why it is called station 14:36:13 house bail. You bring somebody in, you are going to bail them. You do it inside the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse Beach Police Department?    MR. GOODSTADT: Objection. A. That is a little broad, but no, no complaints.    14:37:53 Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you about the Bosetti's? A. No. Q. Did Fiorillo ever complain to you 14:38:04 about the Bosetti's? A. No. Q. Did Snyder ever complain to you about anything involving the conduct of any person affiliated with the Ocean Beach Police 14:38:19 Department? A. No. Q. Same question with regard to Carter? A. No. 14:38:24 Q. Same question with regard to Nofi? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the windows? A. No. Q. Were there any other examples of 14:35:39 insubordination that you can think of with regard to Frank Fiorillo other than what you have testified to? A. Yes, there was you know at lunch I started thinking about it a little bit and 14:35:50 there was one other incident that he and Kevin Lamm both came to me and asked for whatever reason if they could take bail, station house bail outside the station house, and I told them no. That is why it is called station 14:36:13 house bail. You bring somebody in, you are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse Beach Police Department?    MR. GOODSTADT: Objection. A. That is a little broad, but no, no complaints.    14:37:53 Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you about the Bosetti's? A. No. Q. Did Fiorillo ever complain to you 14:38:04 about the Bosetti's? A. No. Q. Did Snyder ever complain to you about anything involving the conduct of any person affiliated with the Ocean Beach Police 14:38:19 Department? A. No. Q. Same question with regard to Carter? A. No. 14:38:24 Q. Same question with regard to Nofi?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. No. Q. Do you recall any complaints that Mr. Fiorillo ever made to you concerning anything involving the conduct of any police 14:35:33 officer including him at Ocean Beach other than him complaining to you about washing the windows? A. No. Q. Were there any other examples of 14:35:39 insubordination that you can think of with regard to Frank Fiorillo other than what you have testified to? A. Yes, there was you know at lunch I started thinking about it a little bit and 14:35:50 there was one other incident that he and Kevin Lamm both came to me and asked for whatever reason if they could take bail, station house bail outside the station house, and I told them no. That is why it is called station 14:36:13 house bail. You bring somebody in, you are going to bail them. You do it inside the confines of the station house. You fill out a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse Beach Police Department?    MR. GOODSTADT: Objection. A. That is a little broad, but no, no complaints.    Q. I tried to make it as broad as I can make it. Did Lamm ever complain to you about the Bosetti's?    A. No.    Q. Did Fiorillo ever complain to you 14:38:04 about the Bosetti's?    A. No.    Q. Did Snyder ever complain to you about anything involving the conduct of any person affiliated with the Ocean Beach Police 14:38:19 Department?    A. No.    Q. Same question with regard to Carter?    A. No.    Q. Same question with regard to Nofi?    A. No.    Q. Did any of the plaintiffs ever

	13	287	
	Page 735		Page 737
1	Hesse	1	Hesse
2	lollipops that were laced with drugs?	2	little bit more broader than that. Did you
3	A. No, I never heard of that before.	3	ever instruct the plaintiffs not to issue any
4	Q. Did the plaintiffs ever complain	4	summonses to any bars on Ocean Beach?
	to you that the bars in Ocean Beach were 14:38:55		A. No. 14:40:44
5	•	5 6	
6 7	permitting under age individuals drinking?		Q. Did you ever instruct any of the
	A. Not specifically, no.	7	plaintiffs to stay away from any particular
8	Q. What about generally?	8	entity and not issue summonses to them?
9	A. We knew that it goes on, it is	9	A. No.
10	just a matter of catching them. 14:39:11	10	Q. Did you ever instruct the 14:40:55
11	Q. What if anything did the Ocean	11	plaintiffs not to any of the plaintiffs not
12	Beach Police Department do prior to April 2,	12	to issue summonses to friends of yours?
13	2006 to enforce the laws concerning under age	13	A. No.
14	drinking in the bars on Ocean Beach?	14	Q. Did you ever call Mr. Lamm a loser
15	A. Specifically nothing. It was a 14:39:23	15	in front of any citizen at Ocean Beach? 14:41:07
16	case-by-case. If you caught them, you did.	16	A. No.
17	If you didn't, you didn't. It was one of	17	Q. Did you ever insult any of the
18	those things.	18	plaintiffs in front of any citizens of Ocean
19	Q. If you saw what you believed	19	Beach?
20	not you, but police officers were instructed 14:39:35	20	A. No. 14:41:16
21	that if they saw what they believed to be	21	MR. GOODSTADT: Objection.
22	under age drinking going on either in or out	22	Q. Same question, did you ever insult
23	of the bars they were to enforce the laws?	23	any of the plaintiffs in front of any visitors
24	A. Absolutely.	24	to Ocean Beach?
25	Q. Did any of the plaintiffs ever 14:39:49	25	A. No. 14:41:25
	Page 736		Page 738
1		1	
1	Hesse	1	Hesse
2	complain to you that the Bosetti's weren't	2	MR. GOODSTADT: Objection.
3	enforcing the laws with regard to under age	3	Q. I will try to make it even
4	drinking?	4	clearer. Did there ever come a time that you
5	A. No. 14:39:54	5	insulted, denigrated, cursed or embarrassed 14:41:38
6	Q. Let me rephrase the question.	6	any of the plaintiffs in front of anybody
7	Did any of the plaintiffs ever	7	other than police officers you know what,
8	complain you to that the Bosetti's were not	8	take a step back.
9	enforcing the laws as it pertained to under	9	Did he ever embarrass, denigrate,
10	age drinking? 14:40:10	10	insult or ridicule any of the plaintiffs in 14:41:54
11	A. No.	11	front of anybody while they were police
12	Q. How about with did the	12	officers at Ocean Beach?
13	plaintiffs ever complain to you that any other	13	A. No.
14	police officer wasn't enforcing the laws as to	14	Q. In the complaint the plaintiffs
15	under age drinking? 14:40:20	15	allege certain things regarding the Bosetti's 14:42:15
16	A. No.	16	throwing a file cabinet into the bay. Do you
17	Q. Did they ever complain to you that	17	recall reading that. Do you recall reading
18	you were not enforcing the laws as to under	18	that in the complaint?
19	age drinking?	19	A. Yes.
20	A. No. 14:40:29	20	Q. Do you have knowledge, any 14:42:31
21	Q. Did you ever instruct any of the	21	knowledge as to what the plaintiffs were
22	plaintiffs not to issue a summons to any bar	22	referring to when they made those allegations?
23	owner because he or she was a friend of yours?	23	A. Yes.
24	A. No.	24	Q. Can you describe for the court
25	Q. Well let me actually make it a 14:40:38	25	what your knowledge is with regard to those 14:42:39
_	-		

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	Page 739		Page 741
1	Hesse	1	Hesse
2	allegations?	2	A. Yes.
3	<u>o</u>	3	
	A. I was told the story by Ed		Q. Are those allegations true or
4	Paradiso.	4	false?
5	Q. That is what I want to know. 14:42:46	5	A. False. 14:45:02
6	A. Basically it was an empty filing	6	Q. I think you admitted though you
7	cabinet, two or three tears, you know like	′	did put Mr. Fiorillo on the same tour for
8	just a short filing cabinet, and it was thrown	8	three state days?
9	into the marina, the middle marina by I	9	A. That was his scheduled tour by Ed
10	believe Rich Bosetti. 14:43:05	10	Paradiso. 14:45:15
11	Q. What else did Ed Paradiso tell	11	Q. I am sorry, the same place?
12	you?	12	A. Yes, it was the general area.
13	A. I remember that it was a	13	Q. So Mr. Paradiso had put Mr.
14	lifeguard, Johnny Bucksbaum, that was asked to	14	Fiorillo on the corner of Denhoff and Bay
15	go in and retrieve it. They retrieved it, 14:43:16	15	Walk? 14:45:25
16	they opened it, it was empty. I think there	16	A. No, you misunderstand. He
17	was some blank fingerprint cards in it.	17	scheduled the shifts, but I put him on that
18	Q. This is what Ed Paradiso told you?	18	post.
19	A. Yes, he did.	19	Q. The post, thank you, and the post
20	Q. And were you in the village the 14:43:30	20	was Denhoff and Bay Walk? 14:45:33
21	night or were you in the village at the	21	A. Yes.
22	time that the Bosetti's through the file	22	Q. What were the responsibilities of
23	cabinet in?	23	the police officers who were assigned to this
24	A. No.	24	post?
25	Q. What involvement if any do you 14:43:37	25	MR. GOODSTADT: Objection. 14:45:43
	Page 740		Page 742
1	Hesse	1	Hesse
$\frac{1}{2}$		2	
2	have with regard to anything involving the	3	A. It is basically a west end post, it is just not Denhoff and Bay Walk. We just
4	incident involving the file cabinet being	4	called it that. But you had everything from
5	thrown in the bay? MR. GOODSTADT: Objection. 14:43:49	5	the police station west of that area that 14:45:53
6	· ·	6	encompassed about four or five blocks.
7	· ·	7	-
	Q. Did you ever speak to Mr. Fiorillo about that incident?	8	Q. So what was a police officer that
8		9	you assigned to that post supposed to do as part of his duties and responsibilities
10		10	associated with that post? 14:46:05
11	<u> </u>	11	A. Generally a regular patrol.
12		12	·
13	Q. Nofi?	13	Q. I am not a police officer, so
	A. No.	13	A. Basically he walked the area.  There is about one, two, three, four, five
14 15	Q. Lamm?		
16	A. No. 14:43:57	15	bars in that area and one, two, three about 14:46:18
	Q. Carter?	1	ten storefronts in that area, and that was his
17	A. No.	17	post.
18 19	Q. Snyder? A. No.	1	Q. And you categorically deny that
<b>⊥</b> ∀		19	you told Mr. Fiorillo that he had to stand
	O I allo so to the desired 4 14 44 66	1/1/	under that light post for three straight days 14:46:37
20	Q. Let's go to the incident not 14:44:02	1	without maring a muscle?
20 21	the incident, let's go to the allegation	21	without moving a muscle?
20 21 22	the incident, let's go to the allegation concerning you putting Fiorillo on the same	21 22	A. Yes, that wasn't true.
20 21 22 23	the incident, let's go to the allegation concerning you putting Fiorillo on the same shift for three straight days, same tour three	21 22 23	A. Yes, that wasn't true.  MR. GOODSTADT: We have a classic
20 21 22	the incident, let's go to the allegation concerning you putting Fiorillo on the same	21 22	A. Yes, that wasn't true.

1			
1 1	Page 743		Page 745
	Hesse	1	Hesse
2	relevant.	2	checkpoints?
3	MR. GOODSTADT: That is why we	3	MR. GOODSTADT: Objection.
4	asked questions.	4	A. I know what they mean.
5	MR. NOVIKOFF: You put it in your 14:47:09	5	Q. What do they mean? 14:49:05
6	complaint.	6	A. Our checkpoint, the checkpoint
7	Q. So Mr. Hesse, let me ask you this,	7	Q. Break it down. Have you ever
	think the jury would want to know. Why did	8	instructed officers to drive other officers to
	you do that?	9	checkpoints?
10	MR. GOODSTADT: Objection. 14:47:17	10	A. Yes. 14:49:18
11	A. Like I stated	11	
12		12	
	MR. NOVIKOFF: What?	13	
13	MR. GOODSTADT: Do what?		A. End of tour, if a guy did overtime
14	Q. I thought it was clear we were	14	and he had to get out of there we would
	referring back to the prior question. I will 14:47:25	15	normally drive them out, and that was our 14:49:28
	make the question clear.	16	relief point, that is what we did every day
17	Why did you assign Mr. Fiorillo to	17	three, four to five times a day. That is what
	that post for three straight tours?	18	we did.
19	A. His regular duty performance was	19	Q. When you say that was your relief
	o operate a golf cart. He liked it. That is 14:47:40	20	point, for the people who don't know what that 14:49:39
	what he liked to do. It is called a G.E.M.	21	means, what do you mean?
	car, and he would go on residential patrol.	22	A. That would be where we would pick
	Γhat is what he liked to do. So I would	23	up the police car and we would relief guys
	assign him that regular post because like I	24	going on deputy and off duty, and that is
25 s	said that is what he liked to do. 14:48:00	25	where we make the exchange. 14:49:47
	Page 744		Page 746
1	Hesse	1	Hesse
2	Because of his actions that day of	2	Q. Would the relief point be where
	insubordination I felt that a suitable	3	officers would drive their owns cars to start
	punishment would be to take him out of the	4	their shifts?
_	G.E.M. car and put him on a foot post. 14:48:12		
		l 5	
6	() Van did that far three straight	5	A. Yes. 14:49:58
6 7	Q. You did that for three straight	6	A. Yes. 14:49:58  Q. Unless they took a boat over?
7 1	tours?	6 7	A. Yes. 14:49:58  Q. Unless they took a boat over?  A. Yes.
7 <b>1</b>	tours?  A. I don't know if it was three	6 7 8	<ul> <li>A. Yes. 14:49:58</li> <li>Q. Unless they took a boat over?</li> <li>A. Yes.</li> <li>Q. Were the plaintiffs the only</li> </ul>
7 <b>1</b> 8 9 <b>t</b>	A. I don't know if it was three tours. They say it was three tours. It might	6 7 8 9	<ul> <li>A. Yes. 14:49:58</li> <li>Q. Unless they took a boat over?</li> <li>A. Yes.</li> <li>Q. Were the plaintiffs the only officers that you ever instructed to drive</li> </ul>
7 1 8 9 t 10 h	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24	6 7 8 9 10	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10
7 1 8 9 t 10 h	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours  14:48:24 maybe. I am a little bit of a lenient guy, I	6 7 8 9 10 11	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No.
7 1 8 9 t 10 l 11 i 12 (	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.	6 7 8 9 10 11 12	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the
7 6 8 9 t 10 h 11 n 12 d 13	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of	6 7 8 9 10 11 12 13	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer
7 1 8 9 t 10 H 11 H 12 t 13 14 4	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours  14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to	6 7 8 9 10 11 12 13 14	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the
7 1 8 9 t 10 H 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36	6 7 8 9 10 11 12 13 14 15	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22
7 8 9 t 10 H 12 t 13 14 15 t 16	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.	6 7 8 9 10 11 12 13 14 15	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No.
7 8 9 t 10 H 12 t 13 14 15 t 16 17	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.  Q. Either these officers being drunk	6 7 8 9 10 11 12 13 14 15 16	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection.
7 8 9 t 10 H 11 12 (13 14 15 (16 17 18 (18 18 18 18 18 18 18 18 18 18 18 18 18 1	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.  Q. Either these officers being drunk or some of them not being drunk. Do you	6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever
7 18 9 10 11 11 12 00 13 14 15 16 17 18 00 19 1	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.  Q. Either these officers being drunk or some of them not being drunk. Do you remember those allegations?	6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever object to you directing them to drive any
7 8 9 t 10 ! 11 11 12 t 13 14 2 15 16 17 18 (19 19 20	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.  Q. Either these officers being drunk or some of them not being drunk. Do you remember those allegations?  A. Yes. 14:48:47	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever object to you directing them to drive any police officer to a checkpoint? 14:50:37
7 8 9 t 10 H 12 t 13 14 15 t 16 17 18 t 19 1 20 21	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes. Q. Either these officers being drunk or some of them not being drunk. Do you remember those allegations?  A. Yes. 14:48:47 Q. Let's talk about that for a little	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. 14:49:58  Q. Unless they took a boat over? A. Yes.  Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10  A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22  A. No.  MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever object to you directing them to drive any police officer to a checkpoint? 14:50:37  A. No.
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7 8 9 10 H 11 11 12 0 13 14 2 15 16 17 18 0 19 12 20 21 22 1 23 1	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes.  Q. Either these officers being drunk or some of them not being drunk. Do you remember those allegations?  A. Yes. 14:48:47  Q. Let's talk about that for a little bit. Do you have an understanding as to what the plaintiffs are talking about when they	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever object to you directing them to drive any police officer to a checkpoint? 14:50:37 A. No. Q. Did the plaintiffs ever complain to you that you left the village shorthanded
7 8 9 t 10 ! 11 11 12 t 13 14 2 15 16 17 18 t 19 12 2 2 1 22 1 24 1	A. I don't know if it was three tours. They say it was three tours. It might have been a tour and a half or two tours 14:48:24 maybe. I am a little bit of a lenient guy, I don't know.  Q. The plaintiffs make a number of allegations about driving officers to checkpoints? 14:48:36  A. Yes. Q. Either these officers being drunk or some of them not being drunk. Do you remember those allegations?  A. Yes. 14:48:47 Q. Let's talk about that for a little bit. Do you have an understanding as to what	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Unless they took a boat over? A. Yes. Q. Were the plaintiffs the only officers that you ever instructed to drive other officers to the relief point? 14:50:10 A. No. Q. Did you ever instruct any of the plaintiffs to drive a drunken police officer who had just finished his tour to the checkpoint? 14:50:22 A. No. MR. GOODSTADT: Objection. Q. Did any of the plaintiffs ever object to you directing them to drive any police officer to a checkpoint? 14:50:37 A. No. Q. Did the plaintiffs ever complain to you that you left the village shorthanded by instructing them to drive any other off

		290	
	Page 747		Page 749
1	Hesse	1	Hesse
2	A. No.	2	started.
3	Q. In your opinion did you leave the	3	Q. Where did the general meeting take
4	village shorthanded when you directed one	4	place?
5	officer to drive an off duty police officer to 14:51:01	5	A. It was in the boat house in Ocean 14:53:08
6	the checkpoint?	6	Beach, or known as the boat house.
7	A. No.	7	Q. How long did that meeting go on
8	Q. Let's talk about the termination a	8	for?
9	little bit, but more specifically because I	9	A. A few hours maybe.
10	think Mr. Goodstadt covered it with you this 14:51:32	10	Q. Were you at a podium and was 14:53:15
11	morning. Let's address specifically April 2,	11	everybody else sitting, or were you in seats
12	2004. What time did the meeting start?	12	or in a circle?
13	A. You mean 2006.	13	A. No, they all sat facing me and I
14	Q. 2006, sorry. What time did the	14	stood or sat behind the table.
15	meeting start? 14:51:48	15	Q. Did you make any comments during 14:53:31
16	A. 11ish maybe.	16	this meeting that you just described regarding
17	•	17	any of those four plaintiffs?
18	<ul><li>Q. What time did it end?</li><li>A. I don't recall. It could have</li></ul>	18	A. No.
19	gone a couple of hours.	19	Q. Did you make any derogatory
20	Q. When in relation to 11 o'clock did 14:51:58	20	comments about those four plaintiffs? 14:53:45
21	you begin the process of informing the	21	A. No.
22	plaintiffs privately that they were not going	22	Q. Did you call them anything; did
23	to be rehired?	23	you make reference to them at all in this
24	A. That was my first order of	24	meeting?
25	business. 14:52:08	25	A. I was asked what happened. 14:53:52
	Page 748		Page 750
1	Hesse	1	Hesse
1 2			
	Q. And after you told them that they	2 3	Q. Who asked you?
3	were not rehired and you said whatever you	4	A. Some of the other police officers.
4	said and they said whatever they said did you		Q. Okay. Do you recall who?
5	direct them to leave the island, the village? 14:52:14	5	A. Well, what had happened was I 14:54:01
6	A. Yes. I set up a water taxi to be	6	started calling in officers one at a time
/	there so they didn't have to stand around and	7	because I was doing a one-on-one with some
8	be gawked at and, you know, I paid for the	8	other guys, and I think a lot of people had
9	water taxi and everything.	9	feared that they were going too. So I was
10	Q. Now to your knowledge did they go 14:52:30	10	asked what had happened and I basically 14:54:17
11	on the water taxi or did they stay and linger	11	explained that they won't be returning this
12	in the village?	12	year, and we just proceeded with our meeting
13	A. They got on the water taxi.	13	and I tried to stay off of it.
14	Q. So approximately if the meeting	14	Q. So other than in those one-on-ones
15	started at 11 and that was the first order of 14:52:41	15	did you ever in front of the entire group make 14:54:29
16	business, at what point in time do you recall	16	any reference to the plaintiffs?
17	them being on the water taxi and going off the	17	A. No.
18	island?	18	Q. Direct or indirect?
19	A. By the time we settled in and I	19	A. No.
20	started talking to them it could have been an 14:52:53	20	MR. NOVIKOFF: Off the record. 14:54:48
21	hour at most.	21	THE VIDEOGRAPHER: The time is
22	Q. Then what did you do after you	22	2:56, we are off the record.
23	spoke to the four plaintiffs that you spoke to	23	(Recess taken.)
24	that morning?	24	THE VIDEOGRAPHER: The time is
~ 4			
25	A. They left and the general meeting 14:53:01	25	3:06, we are on the record. 15:04:38

	13	291	
	Page 751		Page 753
1	Hesse	1	Hesse
2	Q. Now, Mr. Hesse, let's go to	2	Paradiso went out for good in September of
3	Exhibit 27.	3	2005.
4	A. Okay.	4	A. Right.
5	Q. This document was dated March 11, 15:05:10	5	Q. And the time that you were 15:07:19
6	2006; correct?	6	appointed by board resolution to be acting
7	A. Yes.	7	chief, who was responsible for scheduling
8	Q. Did the 2006 season start as of	8	tours?
9	March 11, 2006?	9	A. I was.
10	A. No. 15:05:25	10	Q. Now, did the season the 2005 15:07:30
11	Q. The meeting was held on April 2,	11	season ended sometime in October?
12	2006, had the season started as of April 2,	12	A. September it really ends, two
13	2006?	13	weeks after Labor Day.
14	A. No.	14	Q. So middle of September?
15	Q. When did the season start in 2006? 15:05:34	15	A. Yes. 15:07:48
16	A. The season usually starts two	16	Q. Between the middle of September
17	weeks before Memorial Day.	17	and January did you have to schedule officers
18	Q. May 31st or around that time?	18	to work part-time?
19	A. 28th, early, late, it depends.	19	A. Yes.
20	Q. Once you made the decisions as to 15:05:47	20	Q. There is a difference between 15:07:59
21	whom you were going to let me take a step	21	
22		22	being at least to your understanding for
	back. You answered some questions by Mr.		Ocean Beach was there a difference between
23	Goodstadt concerning your communications with	23	being a seasonal officer and being an off
24	Allison Chester concerning what your rights	24	season part-time officer?
25	were and what the plaintiff's rights were? 15:06:02	25	A. Yes, it is a title thing. 15:08:11
	Page 752		Page 754
1	Hesse	1	Hesse
2	A. Yes.	2	Q. So with regard now only to the off
3	Q. Let's break it down. Why did you	3	season in 2005 between mid September and the
4	call Ms. Chester prior to March I'm sorry,	4	end of December 2005 did you schedule to your
5	- · · · · · · · · · · · · · · · · · · ·	_	· · · · · · · · · · · · · · · · · · ·
	prior to April 2, 2006 with regard to what the 15:06:12	5	knowledge any of the plaintiffs to do 15:08:28
	plaintiffs' rights were?	6	part-time shifts?
7	A. I wanted to make sure that, you	7	A. Yes.
8	know, that I did the right thing.	8	Q. Who did you schedule?
9	Q. In terms of what?	9	A Tom Spyder Eddie Certer I
1 (1)	•		A. Tom Snyder, Eddie Carter. I
10	A. I didn't want to do anything that 15:06:24	10	believe Nofi did maybe one or two tours. And 15:08:41
11	A. I didn't want to do anything that 15:06:24 was illegal.	10 11	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.
11 12	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked	10 11 12	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you
11 12 13	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?	10 11 12 13	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not
11 12	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once	10 11 12	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.
11 12 13	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?	10 11 12 13	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not
11 12 13 14	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once	10 11 12 13 14	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.
11 12 13 14 15	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43	10 11 12 13 14 15	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.  During that period of time were 15:08:56
11 12 13 14 15	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal.  Q. When you say anything illegal, you	10 11 12 13 14 15 16	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the
11 12 13 14 15 16 17	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43  Q. When you say anything illegal, you mean with regard to your decision to not	10 11 12 13 14 15 16 17	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in
11 12 13 14 15 16 17 18	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal.  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?	10 11 12 13 14 15 16 17 18	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not well, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.
11 12 13 14 15 16 17 18 19 20	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal.  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?  A. Right, based on Civil Service law. 15:06:55	10 11 12 13 14 15 16 17 18 19 20	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or notwell, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.  Q. When did you first learn that you 15:09:06
11 12 13 14 15 16 17 18 19 20 21	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked  Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?  A. Right, based on Civil Service law. 15:06:55  Q. When were you appointed Acting	10 11 12 13 14 15 16 17 18 19 20 21	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not well, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.  Q. When did you first learn that you 15:09:06 were going to be considered to be the Acting
11 12 13 14 15 16 17 18 19 20 21 22	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?  A. Right, based on Civil Service law. 15:06:55 Q. When were you appointed Acting Deputy Chief?	10 11 12 13 14 15 16 17 18 19 20 21 22	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not well, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.  Q. When did you first learn that you 15:09:06 were going to be considered to be the Acting Deputy Chief?
11 12 13 14 15 16 17 18 19 20 21 22 23	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?  A. Right, based on Civil Service law. 15:06:55 Q. When were you appointed Acting Deputy Chief?  A. I think it was January either 8th	10 11 12 13 14 15 16 17 18 19 20 21 22 23	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not well, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.  Q. When did you first learn that you 15:09:06 were going to be considered to be the Acting Deputy Chief?  A. I think in late December.
11 12 13 14 15 16 17 18 19 20 21	A. I didn't want to do anything that 15:06:24 was illegal.  Q. What was the reason why you asked Ms. Chester what your rights were?  A. I wanted to make sure that once again I didn't do anything illegal. 15:06:43  Q. When you say anything illegal, you mean with regard to your decision to not rehire the plaintiffs for the season; is that correct?  A. Right, based on Civil Service law. 15:06:55 Q. When were you appointed Acting Deputy Chief?	10 11 12 13 14 15 16 17 18 19 20 21 22	believe Nofi did maybe one or two tours. And 15:08:41 Frank Fiorillo did either one or two tours.  Q. During that period of time had you had any reason to consider whether or not well, withdrawn.  During that period of time were 15:08:56 you aware that you were going to be given the responsibilities as Acting Deputy Chief in 2006?  A. No.  Q. When did you first learn that you 15:09:06 were going to be considered to be the Acting Deputy Chief?

		292	
	Page 755		Page 757
1	Hesse	1	Hesse
2	Acting Deputy Chief?	2	A. Where is your fucking ID, how come
3	A. Maybe a week before.	3	you don't have your ID, this is illegal.
4	Q. At what point in time did you	4	Q. Hold on, you got to go slowly.
5	begin to formulate an opinion as to whether or 15:09:28	5	What else? 15:11:43
6	not you were going to rehire any of the five	6	A. You should know better. You
7	plaintiffs for the 2006 season?	7	should always have your ID on you. But I mean
8	A. When the job became mine in	8	yelling at these people.
9	January through February and March I started	9	Q. How did you learn of this, this
10	thinking about what I wanted to do and how I 15:09:49	10	specific example? 15:12:02
11	wanted the department to go forward and I made	11	A. This specific example, I was
12	a decision.	12	called to the scene.
13	Q. Let's talk about that. How did	13	Q. By whom?
14	you want the department to go forward once you	14	A. By another police officer.
15	learned that you were going to be the Acting 15:10:00	15	•
			1 ,
16	Deputy Chief?	16	about how she was spoken to? A. Yes.
17	A. I wanted the department to be a	17	
18	little more respectful, a little more	18	Q. What was Mr. Fiorillo's response
19	understanding of the needs of the village. We	19	if any?
20	are a very community service oriented Police 15:10:15	20	A. That she was a bitch and that, you 15:12:19
21	Department. We handle everything from a	21	know, she disrespected him.
22	splinter in a baby, to a dog fighting, noise,	22	Q. Did Mr. Fiorillo indicate how she
23	bar fights, to possibly rape, or being stab or	23	disrespected him?
24	short of murder. So I mean I wanted the	24	A. Just by talking back.
25	department to move in a different direction. 15:10:36	25	Q. Did Mr. Fiorillo explain to you 15:12:30
	Page 756		Page 758
1		1	
1 2	Hesse	1 2	Hesse
2	Hesse <b>Q. Did Mr. Fiorillo fit within the</b>	2	Hesse why he considered her to be a bitch?
2 3	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted	2 3	Hesse why he considered her to be a bitch? A. He felt that she had an attitude,
2 3 4	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted Ocean Beach to become upon your appointment to	2 3 4	Hesse why he considered her to be a bitch? A. He felt that she had an attitude, a certain attitude.
2 3 4 5	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted Ocean Beach to become upon your appointment to Acting Chief?  15:10:49	2 3	Hesse why he considered her to be a bitch? A. He felt that she had an attitude, a certain attitude. Q. What if anything did you do with 15:12:38
2 3 4 5 6	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted Ocean Beach to become upon your appointment to Acting Chief? 15:10:49 A. In my opinion, no.	2 3 4 5 6	Hesse why he considered her to be a bitch? A. He felt that she had an attitude, a certain attitude. Q. What if anything did you do with regard to Mr. Fiorillo upon receipt of this
2 3 4 5 6 7	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted Ocean Beach to become upon your appointment to Acting Chief? A. In my opinion, no. Q. Why not?	2 3 4 5 6 7	Hesse why he considered her to be a bitch? A. He felt that she had an attitude, a certain attitude. Q. What if anything did you do with regard to Mr. Fiorillo upon receipt of this complaint by this woman?
2 3 4 5 6 7 8	Hesse Q. Did Mr. Fiorillo fit within the type of Police Department that you wanted Ocean Beach to become upon your appointment to Acting Chief? 15:10:49 A. In my opinion, no. Q. Why not? A. I think he was a little too abrupt	2 3 4 5 6 7 8	Hesse why he considered her to be a bitch? A. He felt that she had an attitude, a certain attitude. Q. What if anything did you do with regard to Mr. Fiorillo upon receipt of this complaint by this woman? A. Well, I let him continue to write
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I	Page 759		Page 761
2	Hesse	1	Hesse
•	Q. Shoot him in the head or shoot him	2	police station to verify who she was. I mean
3	in the face?	3	is that really a crime; what does it take.
4	A. I think it was shoot him in the	4	How much does the village have to take.
5	head. 15:13:46	5	Q. Let me just clarify this. There 15:15:53
6	Q. Did you speak to Mr. Fiorillo	6	was an occasion where an 86 year old woman was
7	concerning this?	7	on a bike, she
8	A. Yes.	8	A. No, she was eating peanuts on the
9	Q. What was Mr. Fiorillo's response	9	beach.
10	to you if any? 15:13:52	10	Q. She didn't have ID and Mr. 15:16:04
11	A. He said that the kid was irate, he	11	Fiorillo escorted this woman back to the
12	was throwing his bike around, and I told him,	12	police station to verify that she was in fact
13	I said Frank, you know what, I don't care, you	13	who she was?
14	just don't talk to people like that. I talked	14	A. Yes.
15	to other witnesses that were there and they 15:14:07	15	Q. You said that Paradiso knew all 15:16:13
16	said that is not what happened. Frank just	16	this. Now I am only concerned about Mr.
17	went off on one of his regular tears and	17	Fiorillo for the time being. What do you mean
18	started to yell and berate this guy in the	18	that Paradiso knew all about this?
19	street.	19	A. Frank worked split tours. He
20	Q. When you say regular tears, what 15:14:19	20	would partially for me and he would work 15:16:29
21	do you mean?	21	partially for Ed Paradiso, and Ed Paradiso
22	A. This was a usual thing with Frank.	22	would encourage him to go out there and do
23	You know, he carried the badge and he carried	23	these types of summonses.
24	a chip on his shoulder. It was just a regular	24	Q. Did you ever discuss with Paradiso
25	occurrence. 15:14:28	25	why he was encouraging Fiorillo to do these 15:16:42
	Page 760		Page 762
			5
1	Hesse	1	
1 2	Hesse O. Let me ask you a question. I am	1 2	Hesse
2	Q. Let me ask you a question. I am		Hesse types of summonses?
	Q. Let me ask you a question. I am sure Mr. Goodstadt will ask you this question	2	Hesse types of summonses? A. No, not really.
2 3 4	Q. Let me ask you a question. I am sure Mr. Goodstadt will ask you this question if he has not already. How come you didn't	2 3 4	Hesse types of summonses? A. No, not really. Q. Did you I am trying to
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2 3 4	Q. Let me ask you a question. I am sure Mr. Goodstadt will ask you this question if he has not already. How come you didn't advice Mr. Paradiso that in your opinion 15:14:37 Fiorillo should not be rehired?	2 3 4 5 6	Hesse types of summonses? A. No, not really. Q. Did you I am trying to understand. Why didn't you ever tell Paradiso 15:16:53 hey, Fiorillo is just, you know, in my opinion
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Let me ask you a question. I am sure Mr. Goodstadt will ask you this question if he has not already. How come you didn't advice Mr. Paradiso that in your opinion 15:14:37 Fiorillo should not be rehired?  A. He knew. He knew. He dealt with him. But you know what, Ed Paradiso had a different outlook on things than I did. He enjoyed the misery of sending these guys out 15:14:54 there to do this kind of thing. He was happy they didn't have discretion, because we have such silly laws that in our village code book, eating on the beach, drinking on the beach, not alcohol, but regular beverages on the 15:15:12 beach. You can't eat or drink past a certain point on a certain street. The bike riding laws. You name it. Ball playing on the beach. He is out there writing a father for throwing a tennis ball to his son. 15:15:30  These are the kind of things that went on on a regular basis. He took this poor	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	types of summonses?  A. No, not really.  Q. Did you I am trying to understand. Why didn't you ever tell Paradiso 15:16:53 hey, Fiorillo is just, you know, in my opinion he should not be rehired?  A. You know, it is such a small village and in conversation I don't want to say I never said it, I may have said it. But, 15:17:07 you know, I don't know for sure if we talked about it. We talked about a lot of like I said earlier I never saw eye to eye with Ed Paradiso on a lot of things. I would come in for my tour he would already be done. He 15:17:27 would come in late.  It was hard to talk to him. I mean towards the end of his rein it just the department was falling apart, and I blame it on him and I blame it on type of 15:17:38 enforcement that was going on. So  Q. So you thought for want of a

1		294	
	Page 763		Page 765
_	Hesse	1	Hesse
2	Absolutely.	2	afraid to write them because they didn't
3	Q. Because Paradiso knew what	3	really you know, there were getting the
4	Fiorillo was doing?	4	idea how to write them, but I think they were
5	A. Yes. Paradiso would go to these 15:17:57	5	just cautious on how many they were writing 15:20:13
6	board meetings and sit there, and people would	6	just to get the feel of it.
7	yell about certain things, noise, this, that	7	Q. Let's talk about Mr. Lamm. Was
8	the other thing. And he used Frank as a tool	8	Mr. Lamm in your opinion the type of officer
9	of the Police Department to just go out there	9	that you wanted in the department as you saw
10	and just hammer these people into submission, 15:18:11	10	the department should be once you became the 15:20:36
11	and that is not what we are supposed to.	11	Acting Chief?
12	Q. In your opinion Mr. Fiorillo would	12	A. No.
13	not have reflected the type of Police	13	Q. He why not?
14	Department that you wanted?	14	A. He was a lot like Fiorillo.
15	A. That is correct. 15:18:23	15	Showed no discretion. You know, from time to 15:20:44
16		16	time he would have to be counseled, talked to
	Q. So when you became in control of	17	·
17	who was to be rehired and who was not, you	18	about certain actions that he took.  Specifically it started to get to the point
18	made the decision not to hire Mr. Fiorillo?		
19	A. That is correct.	19	where under our village code he started
20	Q. Now you talked about some silly 15:18:32	20	handcuffing individuals and bringing them to 15:21:05
21	laws that were on the books. Between the	21	the Police Department to issue summonses for a
22	season of 2006 when you first were the Acting	22	Village violation where he should be doing it
23	Chief and this season, 2009, has the	2.3	out on his post where he was to begin with.
24	enforcement of those silly laws as you put it	24	Q. I don't understand, what do you
25	increased or decreased? 15:18:48	25	mean? 15:21:19
	Page 764		
	1 4 9 5 7 6 1		Page 766
1	Hesse	1	
1 2	Hesse	1 2	Hesse
	Hesse A. Well I made a lot of changes. It	2	Hesse A. So he would be walking down the
2	Hesse A. Well I made a lot of changes. It was hard to establish a, you know, a statistic	2 3	Hesse A. So he would be walking down the street where he would see some suspect pissing
2 3 4	Hesse A. Well I made a lot of changes. It was hard to establish a, you know, a statistic because I changed all the paperwork.	2 3 4	Hesse A. So he would be walking down the street where he would see some suspect pissing in public. He would throw the guy in
2	Hesse A. Well I made a lot of changes. It was hard to establish a, you know, a statistic because I changed all the paperwork.  Midstream through 2006 I changed the summons 15:19:02	2 3 4 5	Hesse A. So he would be walking down the street where he would see some suspect pissing in public. He would throw the guy in handcuffs, toss him, do an illegal search and 15:21:27
2 3 4 5 6	Hesse A. Well I made a lot of changes. It was hard to establish a, you know, a statistic because I changed all the paperwork. Midstream through 2006 I changed the summons 15:19:02 format. So I had to retrain and re-educate my	2 3 4 5 6	Hesse A. So he would be walking down the street where he would see some suspect pissing in public. He would throw the guy in handcuffs, toss him, do an illegal search and 15:21:27 seizure because what the heck are you looking
2 3 4 5 6 7	Hesse A. Well I made a lot of changes. It was hard to establish a, you know, a statistic because I changed all the paperwork. Midstream through 2006 I changed the summons format. So I had to retrain and re-educate my guys on how to write the summonses correctly.	2 3 4 5 6 7	Hesse A. So he would be walking down the street where he would see some suspect pissing in public. He would throw the guy in handcuffs, toss him, do an illegal search and 15:21:27 seizure because what the heck are you looking for, number one you have no probable cause.
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	Page 767	ررتيح	Page 769
1	Hesse	1	
1 2		1	Hesse
3	Q. Was that an act of insubordination?	2	your observations or what you were told?
_	A. Yes, it was.	3	A. His demeanor was abrupt also. You
4		4	know every time you stop somebody and write
5	Q. Did that have any impact on your 15:22:19	5	them a summons they are going to question your 15:24:33
6 7	decision as to whether or not Mr. Lamm was the	6 7	authority, they are going to do something. You know you take it as for what it is worth.
	type of officer that you wanted on your police		But Kevin Lamm, he would step right into you,
8 9	force going forward in light of the changes that you wanted to make?	8	1 0
10	·	9	almost provoke the guy into a fight. That is not the demeanor that we need in this Police 15:24:46
	Ş ,		
11 12	longer with the department.	11 12	Department.
	Q. Are there any other examples that		Q. What about Joe Nofi, in your
13	you can think of where you instructed Mr. Lamm	13	opinion was he the type of officer that you
14	while he was working on your shift to do	14	wanted to be in your department given the
15	something as it related to summonses that he 15:22:36 didn't do?	15	changes that you wanted to make? 15:25:04 A. No.
16		16	
17	A. To summonses that he didn't do; not that I can think of.	17	Q. Why not?
18		18	A. Simply put Joe Nofi was a goof
19	Q. How about generally, do you recall	19	ball. You know, he was a nice guy, but he was
20	any other examples where he just disregarded 15:22:47	20	just a goof ball. I mean paperwork was shoddy 15:25:16
21	one of your directions or instructions?	21	at best. Summonses were horrible, illegible,
22	A. Yes, there was one other time that	22	illiterate. And then if somebody was walking
	I can think of, this is really towards the end	23	in front of him and he was not wearing a
24	of his employ. We just got this big guy off	24	shirt, which is another one of our silly laws
25	the water taxi, the guy was probably 6 foot 2, 15:23:03	25	in town, he wouldn't walk up to the guy and 15:25:37
	Page 768		Page 770
1	Page 768 Hesse	1	Page 770 Hesse
1 2	_	1 2	· .
	Hesse		Hesse
2	Hesse 240 and huge. And I was able to calm this	2	Hesse just say excuse me, sir, you can't walk around
2	Hesse 240 and huge. And I was able to calm this individual down, I was able to get him off the	2 3	Hesse just say excuse me, sir, you can't walk around without a shirt on. He would say hey asshole,
2 3 4	Hesse 240 and huge. And I was able to calm this individual down, I was able to get him off the water taxi. I forget what the disturbance was	2 3 4	Hesse just say excuse me, sir, you can't walk around without a shirt on. He would say hey asshole, come here. That is what he would do.
2 3 4 5	Hesse 240 and huge. And I was able to calm this individual down, I was able to get him off the water taxi. I forget what the disturbance was on the taxi, whether he was not listening to 15:23:18	2 3 4 5	Hesse just say excuse me, sir, you can't walk around without a shirt on. He would say hey asshole, come here. That is what he would do. I would have to tell him, counsel 15:25:46
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	<u>13296</u>				
	Page 771		Page 773		
1	Hesse	1	Hesse		
2	Paradiso not rehiring Lamm for the season?	2	Q. What were those personal issues?		
3	A. Not specifically, no.	3	A. I think he was sick for a while.		
4	Q. For the same reason as Nofi?	4	He had maybe some issues with his kids,		
5	A. Yes. We just of went season to 15:26:53	5	ex-wives, I don't know if he has one or two. 15:28:59		
6	season with what we had.	6	Money issues. Everybody has issues in their		
7	Q. Did Paradiso ever ask you your	7	personal lives, you know.		
8	opinion as to take a step back.	8	Q. Let me ask you this. We now in		
9	With regard to rehiring anyone for	9	January at some point in time you were		
	· · · · · · · · · · · · · · · · · · ·	i .			
10	any particular season did Paradiso ever ask 15:27:05	10	actually appointed. At some point in time 15:29:18		
11	you what your opinion was with regard to a	11	prior to the actual appointment you knew you		
12	particular officer?	12	were going to be Acting Chief?		
13	A. Not that I recall, no.	13	A. Uh-hum.		
14	Q. Let's talk about Carter. Was	14	Q. At that point in time when you		
15	Carter the type of officer that you would have 15:27:16	15	knew that you were going to become Acting 15:29:29		
16	been comfortable with on your department given	16	Chief did you schedule Lamm for any part-time		
17	the changes that you were going to make?	17	shifts?		
18	A. No.	18	A. You know, Lamm was working for the		
19	Q. Why not?	19	Town of Islip Airport security, police,		
20	A. You know, he was kind of hidy 15:27:26	20	whatever, I don't know what they call 15:29:45		
21	tidy, talks out of both side of his mouth	21	themselves right now, law enforcement. I was		
22	between cops. You know, he just kind of	22	really unaware of what his plans were, what he		
23	rubbed me the wrong way sometimes, and I just,	23	wanted to do. There was never any		
24	you know, the thing with the sleeping on duty,	24	communication between me and him. I called		
25	bragging about it. I would relieve him in the 15:27:43	25	him once for his weapon because I needed to 15:29:59		
	Page 772		Page 774		
1		1			
1	Hesse	1	Hesse		
2	morning, his hair is standing straight up.	2	issue it to somebody else so he can get		
3	Yeah, as soon as I got in I went upstairs, I	3	qualified because I was short weapons. And		
4	went to sleep.	4			
5	You know, enough, I just didn't 15:27:52		you think he would have said something to me		
		5	then about his other job. 15:30:10		
6	want to deal with it any more. I felt moving	5 6	then about his other job. 15:30:10  But he didn't work for us for I		
6 7	want to deal with it any more. I felt moving forward he just wasn't a good candidate to	5 6 7	then about his other job. 15:30:10  But he didn't work for us for I think it was eight or nine months. So I		
8	want to deal with it any more. I felt moving forward he just wasn't a good candidate to keep on.	5 6 7 8	then about his other job. 15:30:10  But he didn't work for us for I think it was eight or nine months. So I wasn't sure if he was going to plan on coming		
8	want to deal with it any more. I felt moving forward he just wasn't a good candidate to keep on.  Q. How about Snyder, was he the type	5 6 7 8 9	then about his other job. 15:30:10  But he didn't work for us for I think it was eight or nine months. So I wasn't sure if he was going to plan on coming back or what. But then I just decided that		
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	Page 775		Page 777
1	Hesse	1	Hesse
2	Q. How about Fiorillo, from the time	2	but I may have hired Paul Trosko full-time.
3	that you became aware of the fact that you	3	So he was working full-time. I was working
4	were going to become the Acting Chief did you	4	full-time. I know Walter Muller was on the
5	schedule Fiorillo for any part-time shifts? 15:31:05	5	schedule. I am trying to think who else I 15:33:03
6	A. I think he worked two tours	6	had.
7	because I was strapped for guys, I didn't have	7	You know, Carter could work by
8	anybody available to work. But they might	8	himself. Tommy Snyder was on by himself on
9	have been like either Christmas or Christmas	9	the midnights. Specifically, you know, I
10	Eve and New Years or New Year's Eve. But I 15:31:21	10	don't recall right now anybody else, I would 15:33:24
11	don't think subsequent to that there was any.	11	have to really look at a schedule.
12	Q. Why didn't you schedule him?	12	Q. As you can tell from the complaint
13	A. Because I really didn't prefer him	13	there is a lot of allegations about the
14	to be on shift.	14	Bosetti's?
15	Q. How about Nofi, same question? 15:31:30	15	A. Yes. 15:33:36
16	A. He may have worked one tour that	16	Q. So I feel obligated to ask you
17	entire winter. But, you know, I was inclined	17	about them. Describe for me your opinion of
18	to give the tours to the guys that could work	18	the Bosetti's of Gary Bosetti, let's start
19	alone and seniority.	19	with him, as a police officer for Ocean Beach,
20	Q. What do you mean that could work 15:31:48	20	independent of whatever he did for the city? 15:33:52
21	alone?	21	A. Okay. Police officer for Ocean
22	A. At that time of year there is one	22	Beach, and I said this for a long time about
23	cop on per shift.	23	Gary and Richie both, that when they came on
24	Q. What was your concern about Nofi	24	that they changed, they started to help change
25	working alone? 15:31:55	25	the persona of the Police Department. Kinder, 15:34:09
	Page 776		Page 778
1		1	
1 2	Hesse	1 2	Hesse
2	Hesse MR. GOODSTADT: Objection.	2	Hesse friendlier, approachable. They were easily
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2 3 4	Hesse MR. GOODSTADT: Objection. Q. What concerns did you have if any with regard to assigning Nofi a shift during	2 3 4	Hesse friendlier, approachable. They were easily approachable. Anybody can talk to them about any issue that they had, and they would relay
2	Hesse MR. GOODSTADT: Objection. Q. What concerns did you have if any with regard to assigning Nofi a shift during the winter when he would be working alone? 15:32:03	2 3 4 5	Hesse friendlier, approachable. They were easily approachable. Anybody can talk to them about any issue that they had, and they would relay that information on to either myself or Ed 15:34:23
2 3 4	Hesse MR. GOODSTADT: Objection. Q. What concerns did you have if any with regard to assigning Nofi a shift during the winter when he would be working alone? A. Well if something happened you got	2 3 4 5 6	Hesse friendlier, approachable. They were easily approachable. Anybody can talk to them about any issue that they had, and they would relay that information on to either myself or Ed 15:34:23 Paradiso.
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	13	298	
	Page 779		Page 781
1	Hesse	1	Hesse
2	how much they loved Kevin Lamm?	2	A. They could work one shift a week,
3	A. No.	3	to 40 hours plus a week.
4	Q. Did people come up to you and tell	4	Q. So it varied?
5	you how much they liked or loved Frank 15:35:27	5	A. It varied. 15:36:42
6	Fiorillo?	6	Q. Depending on the schedules of the
7	A. No.	7	particular officers?
8	Q. Joe Nofi?	8	A. Correct.
9	A. No.	9	Q. Now to your knowledge how many
10	Q. Ed Carter? 15:35:33	10	years experience did Gary Bosetti have? 15:37:00
11	A. No.	11	A. At the time he came to Ocean
12	Q. Tom Snyder?	12	Beach?
13	A. No.	13	Q. Yes.
14	Q. Correct me if I am wrong, none of	14	A. At least a minimum of 20.
15	the five plaintiffs here have ever been a 15:35:41	15	Q. Mr. Goodstadt asked you a lot of 15:37:08
16	full-time police officer?	16	questions about them not being certified by
17	MR. CONNOLLY: Objection.	17	Suffolk County.
18	MR. GOODSTADT: Objection.	18	A. Correct.
19	Q. Let me ask you. To your knowledge	19	Q. Given their experience with the
20	was Frank Fiorillo ever a full-time police 15:35:50	20	New York City let's talk about Gary 15:37:19
21	officer for any jurisdiction other than Ocean	21	Bosetti. Given Gary Bosetti's experience with
22	Beach?	22	the New York City Police Department were you
23	A. No.	23	ever concerned that the public safety was at
24	Q. To your knowledge was Joe Nofi	24	risk because they were not certified by
25	ever a full-time police officer for any 15:36:00	25	Suffolk County? 15:37:30
	Page 780		Page 782
1	Hesse	1	Hesse
2	jurisdiction other than Ocean Beach?	2	A. No.
3	A. No.	3	Q. Same question about Richie?
4	Q. And same question with regard to	4	A. No.
5	Snyder? 15:36:08	5	Q. Same question about was Ty 15:37:35
6	A. No.	6	Bacon certified?
7	Q. Lamm?	7	A. He was. There was a mix up with
8	A. No.	8	his paperwork.
9	Q. Carter?	9	Q. Did you have any concern with
10	A. No. 15:36:15	10	regard to any officer that was not certified 15:37:49
11	Q. And they were not none of the	11	with regard to the public safety of Ocean
12	plaintiffs were full-time for Ocean Beach	12	Beach?
13	either; correct?	13	A. No.
14	A. Correct.	14	Q. Let's talk about Ty Bacon. What
15	Q. They were just either part-time 15:36:21	15	type of police officer was he? 15:37:59
16	when it was off season?	16	A. A good man, an honorable man,
17	A. Correct.	17	takes a lot of pride in his job. Good with
18	Q. Or seasonal?	18	the community. Good with the public.
19	A. Yes.	19	Q. As between the Bosetti's and the
20	Q. And how many hours did a typical 15:36:26	20	five plaintiffs, who had who would you say 15:38:14
21	police officer work on a weekly basis during	21	was the better police officer?
1	the googen?	22	MR. GOODSTADT: Objection.
22	the season?	1	3
22	MR. GOODSTADT: Objection.	23	A. In my opinion the Bosetti brothers
23 24	MR. GOODSTADT: Objection.  A. During the season?		A. In my opinion the Bosetti brothers were better police officers.
23	MR. GOODSTADT: Objection.	23	A. In my opinion the Bosetti brothers

		Page 785
-1		
1	Hesse	1 Hesse
2	officers that you wanted to have in your	2 A. Yes.
3	kinder and gentler Police Department?	3 Q. Now in your opinion, I think Mr.
4	A. Yes.	4 Goodstadt asked you this question, if he
5	Q. How about Ty Bacon? 15:38:38	5 didn't he will object, do you find it strange 15:40:39
6	A. Yes.	6 that someone even an off duty police
7	Q. Let's go back to the Halloween	7 officer who was involved in a physical
8	incident, I am just going through my notes	8 altercation when he was attacked by no less
9	from this morning to see. Now Mr. Goodstadt	9 than two individuals and who was dazed and
10	asked you some questions about your 15:39:00	10 hurt, would have left the scene; do you find 15:40:53
11	communications with Frank Fiorillo, and	11 that strange?
12	Fiorillo I think you indicated was angry when	MR. CONNOLLY: Objection.
13	you was angry when you gave him the results	13 MR. GOODSTADT: Objection.
14	of your investigation?	14 A. No, I don't find that strange, no.
15	A. No. 15:39:13	15 Q. Why don't you find that strange? 15:41:00
16	Q. Who was that?	16 A. I think he wanted to go lay down.
17	A. Kevin Lamm.	17 I believe Richie had told me that he advised
18	Q. Kevin Lamm was angry. Now was it	18 him to go and go lay down.
19	Kevin Lamm who said are we going to sweep this	19 Q. So if I understand you correctly,
20	under the rug as well? 15:39:22	20 at least according to Richie, Richie told you 15:41:13
21	A. Yes.	21 that he told his brother to leave and go lay
22	Q. Did Lamm ask, advise you as to	22 down?
23	what he meant by as well with regard to	23 A. Correct.
24	sweeping something under the rug?	24 Q. Now, Mr. Goodstadt asked you some
25	A. No. 15:39:32	25 questions about whether or not you disciplined 15:41:46
	Page 784	Page 786
1	Hesse	1 Hesse
2	Q. Are you aware of anything that you	2 Gary Bosetti for leaving the scene or doing
3	swept under the rug?	3 anything as it related to the Halloween
4	A. No.	4 incident when he was off duty, do you recall
5	MR. GOODSTADT: Objection. 15:39:36	5 that? 15:42:03
6	Q. To your knowledge did Lamm go to	6 A. Yes.
7	Chief Paradiso with his concerns that I guess	7 Q. Could you have disciplined Gary
8	the Halloween incident was being swept under	8 Bosetti for something that he did while he was
0		
9	THE THO!	9 off duty?
9	the rug?  A I don't know 15:39:51	9 <b>off duty?</b> 10 A. Yes. 15:42:09
10	A. I don't know. 15:39:51	10 A. Yes. 15:42:09
10 11	<ul><li>A. I don't know. 15:39:51</li><li>Q. Did Chief Paradiso ever advise you</li></ul>	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach
10 11 12	A. I don't know. 15:39:51  Q. Did Chief Paradiso ever advise you that he thought it was being swept under the	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police
10 11 12 13	A. I don't know. 15:39:51  Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug?	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers?
10 11 12 13 14	A. I don't know. 15:39:51  Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug?  A. No. Never.	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection.
10 11 12 13 14 15	A. I don't know. 15:39:51 Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug? A. No. Never. Q. When did Lamm start working for 15:40:02	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection. 15 A. At that time? 15:42:18
10 11 12 13 14 15 16	A. I don't know. 15:39:51 Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug? A. No. Never. Q. When did Lamm start working for 15:40:02 Ocean Beach?	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection. 15 A. At that time? 15:42:18 16 Q. Yes.
10 11 12 13 14 15 16 17	A. I don't know. 15:39:51 Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug? A. No. Never. Q. When did Lamm start working for 15:40:02 Ocean Beach? A. Late 90s.	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection. 15 A. At that time? 15:42:18 16 Q. Yes. 17 A. I don't believe we had any
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10 11 12 13 14 15 16 17 18 19 20 21	A. I don't know. 15:39:51 Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug? A. No. Never. Q. When did Lamm start working for 15:40:02 Ocean Beach? A. Late 90s. Q. Now, Mr. Goodstadt asked you some questions about Gary Bosetti leaving the scene of Hauser's Bar at some point in time after 15:40:18 the altercation. Do you recall those	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection. 15 A. At that time? 15:42:18 16 Q. Yes. 17 A. I don't believe we had any 18 policies. 19 Q. Now Mr. Goodstadt asked you a 20 number of questions about your opinion of the 15:42:32 21 Lamm, Snyder, Fiorillo accounts of what went
10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know. 15:39:51 Q. Did Chief Paradiso ever advise you that he thought it was being swept under the rug? A. No. Never. Q. When did Lamm start working for 15:40:02 Ocean Beach? A. Late 90s. Q. Now, Mr. Goodstadt asked you some questions about Gary Bosetti leaving the scene of Hauser's Bar at some point in time after 15:40:18 the altercation. Do you recall those questions	10 A. Yes. 15:42:09 11 Q. Is there a policy at Ocean Beach 12 that talks about disciplining off duty police 13 officers? 14 MR. GOODSTADT: Objection. 15 A. At that time? 15:42:18 16 Q. Yes. 17 A. I don't believe we had any 18 policies. 19 Q. Now Mr. Goodstadt asked you a 20 number of questions about your opinion of the 15:42:32 21 Lamm, Snyder, Fiorillo accounts of what went 22 on, do you recall that?
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Page	787 Page 789
1 Hesse	1 Hesse
2 I correct?	2 Q. Other than Mr. Snyder?
3 A. Correct.	3 A. Yes.
4 MR. GOODSTADT: Objection.	4 Q. Did you notify the village at any
5 Q. And you said you believed that the 15:42:5	_ , , , , , , , , , , , , , , , , , , ,
6 victims, the alleged victims' statements to	6 officers that were going to be hired for the
7 the three officers that night were lies, do	7 2006 season, or did they just show up when the
8 you recall that?	8 season started and say here I am?
9 A. Yes.	9 A. There was no notification made
10 Q. Did you initially believe that 15:43:02	10 that they were going to be rehired. They 15:45:23
11 they were lies when you first read them?	11 basically got scheduled and started to work.
12 A. No.	12 Q. How did the village know to pay
Q. At what point in time did you come	13 <b>them?</b>
14 to the conclusion that what Van Koot, Schalik	14 A. I believe that twice, there is two
, · · · · · · · · · · · · · · · · · · ·	<b>43:13</b>   15 times a year that Civil Service sends out a 15:45:32
16 and/or Fiorillo that evening were lies?	16 form that needs to be filled out by the
A. When I spoke to Budd Jaeger and	17 village that states which officers will be
18 Jean Jaeger.	18 working, and it gets verified by me, sent back
19 Q. And why did what Jean and/or Budd	19 to the village office and sent on.
20 Jaeger say to you cause you to now believe 15:43	
21 that what Schalik, Tesori and Van Koot said	21 a communication between you and the Village
22 were lies?	22 Clerk's office as to which officers were being
A. Put a whole different perspective	23 hired for the 2006 season?
24 on what we believed happened.	24 A. Yes.
25 Q. What was the different 15:43:39	25 Q. Did Mayor Rogers ever advise you 15:45:57
Page	788 Page 790
1 Hesse	1 Hesse
2 perspective?	2 that she needed to approve which officers for
3 A. Instead of Gary Bosetti just going	3 the 2006 season were going to be rehired?
4 berserk in a bar in a drunken rage hitting	4 A. No.
5 people in the bar with a pool stick, there 15:43:49	
6 were other elements leading up to Mr. Gary	6 you that he needed to approve of who you
7 Bosetti defending himself and a third person	7 rehired for the 2006 season?
8 with the pool stick.	8 A. No.
9 Q. Was your opinion that the initial	9 Q. Were you aware that you needed to
10 three statements was it your opinion that 15:4	
11 the accounts given by Tesori, Schalik and Van	11 Loeffler?
12 Koot were lies, was that reinforced when you	12 A. I was never told that I had to do
	10 4
13 received subsequent statements from other	13 that.
14 witnesses?	14 Q. Or any trustee?
14 witnesses? 15 A. Yes. 15:44:20	14 <b>Q. Or any trustee?</b> 15 A. No. 15:46:24
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I	14 <b>Q. Or any trustee?</b> 15 A. No. 15:46:24 16 <b>Q. To your knowledge did Paradiso</b>
<ul> <li>14 witnesses?</li> <li>15 A. Yes. 15:44:20</li> <li>16 Q. I know I'm flipping back, so I</li> <li>17 apologize. Let's go back to the April 2006</li> </ul>	14 Q. Or any trustee? 15 A. No. 15:46:24 16 Q. To your knowledge did Paradiso 17 when he made the decision have to run the
<ul> <li>14 witnesses?</li> <li>15 A. Yes. 15:44:20</li> <li>16 Q. I know I'm flipping back, so I</li> <li>17 apologize. Let's go back to the April 2006</li> <li>18 time period. You had various police officers,</li> </ul>	14 Q. Or any trustee? 15 A. No. 15:46:24 16 Q. To your knowledge did Paradiso 17 when he made the decision have to run the 18 names of the people that were being hired for
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach?	14 Q. Or any trustee? 15 A. No. 15:46:24 16 Q. To your knowledge did Paradiso 17 when he made the decision have to run the 18 names of the people that were being hired for 19 the particular season by either the mayor or
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach? 20 A. Yes. 15:44:52	Q. Or any trustee?  15 A. No. 15:46:24  16 Q. To your knowledge did Paradiso  17 when he made the decision have to run the  18 names of the people that were being hired for  19 the particular season by either the mayor or  20 the trustees? 15:46:36
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach? 20 A. Yes. 15:44:52 21 Q. You advised four of the plaintiffs	14 Q. Or any trustee? 15 A. No. 15:46:24 16 Q. To your knowledge did Paradiso 17 when he made the decision have to run the 18 names of the people that were being hired for 19 the particular season by either the mayor or 20 the trustees? 15:46:36 21 A. I was unaware.
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach? 20 A. Yes. 15:44:52 21 Q. You advised four of the plaintiffs 22 that they were not going to be rehired. The	Q. Or any trustee?  15 A. No. 15:46:24  16 Q. To your knowledge did Paradiso  17 when he made the decision have to run the  18 names of the people that were being hired for  19 the particular season by either the mayor or  20 the trustees? 15:46:36  21 A. I was unaware.  22 Q. Did Mayor Rogers ever advise you
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach? 20 A. Yes. 15:44:52 21 Q. You advised four of the plaintiffs 22 that they were not going to be rehired. The 23 rest presumably if I am correct were going to	Q. Or any trustee?  15 A. No. 15:46:24  16 Q. To your knowledge did Paradiso  17 when he made the decision have to run the  18 names of the people that were being hired for  19 the particular season by either the mayor or  20 the trustees? 15:46:36  21 A. I was unaware.  22 Q. Did Mayor Rogers ever advise you  23 that you acted improperly by not clearing the
14 witnesses? 15 A. Yes. 15:44:20 16 Q. I know I'm flipping back, so I 17 apologize. Let's go back to the April 2006 18 time period. You had various police officers, 19 you asked them to come to the beach? 20 A. Yes. 15:44:52 21 Q. You advised four of the plaintiffs 22 that they were not going to be rehired. The	Q. Or any trustee?  15 A. No. 15:46:24  16 Q. To your knowledge did Paradiso  17 when he made the decision have to run the  18 names of the people that were being hired for  19 the particular season by either the mayor or  20 the trustees? 15:46:36  21 A. I was unaware.  22 Q. Did Mayor Rogers ever advise you

	Page 791	301	Page 793
1	Hesse	1	Hesse
2	Q. How about any trustee?	2	issued a 10-1 and no one came to assist him?
3	A. No.	3	A. No.
4	Q. Now, you discussed with Mr.	4	Q. Did you ever hear a rumor prior to
5	Goodstadt on the first day of your testimony 15:47:58	5	seeing this lawsuit that Joe Nofi had issued a 15:50:07
6	with regard to certain comments that Mayor	6 7	10-1 and no one came to help him? A. No.
7 8	Rogers said with regard to Mr. Paradiso. Do	8	
9	you recall being asked certain of those questions?	9	Q. Did you ever receive a communication, I am not even talking about a
10	A. Vaguely. 15:48:11	10	complaint now, did you ever receive a 15:50:25
11	Q. Do you recall being advised that	11	communication from any police officer that
12	Ms. Rogers believed that there was some	12	another police officer didn't know a radio
13	liabilities with regard to Chief Paradiso?	13	code?
14	A. Vaguely.	14	MR. GOODSTADT: Objection.
15	Q. What did you mean by liabilities; 15:48:21	15	A. No. 15:50:38
16	you would have to know what the question was?	16	Q. Did you ever receive a
17	A. Yes, I would need to hear it.	17	communication from any resident of Ocean Beach
18	Q. Okay.	18	that the police didn't respond to something
19	Well let me be more specific. I	19	involving that particular resident because a
20	believe you testified and correct me if I am 15:48:34	20	particular officer did not know the right 15:50:54
21	wrong that Mayor Rogers expressed some	21	radio code?
22	disappointment with the chief when you spoke	22	MR. GOODSTADT: Objection.
23	to her concerning the notice of claim?	23	A. No.
24	MR. GOODSTADT: Objection.	24	Q. Let me ask you something. Was it
25	Q. Did you ever speak to Mayor Rogers 15:48:45	25	appropriate for a police officer at Ocean 15:51:07
	Page 792		Page 794
1	Page 792  Hesse	1	
1 2		1 2	Hesse
	Hesse		
2	Hesse about the notice of claim?	2	Hesse Beach while in uniform to go into a private
2	Hesse about the notice of claim? A. Yes.	2 3	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?
2 3 4	Hesse about the notice of claim? A. Yes. Q. And in that conversation did you	2 3 4	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?
2 3 4 5	Hesse about the notice of claim? A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you	2 3 4 5	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in
2 3 4 5 6 7 8	Hesse about the notice of claim? A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?	2 3 4 5 6 7 8	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?
2 3 4 5 6 7 8 9	Hesse about the notice of claim? A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy	2 3 4 5 6 7 8 9	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.
2 3 4 5 6 7 8 9	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53  A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things. 15:49:04	2 3 4 5 6 7 8 9	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28
2 3 4 5 6 7 8 9 10	Hesse about the notice of claim? A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what	2 3 4 5 6 7 8 9 10	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap,
2 3 4 5 6 7 8 9 10 11	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said?	2 3 4 5 6 7 8 9 10 11	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?
2 3 4 5 6 7 8 9 10 11 12	Hesse about the notice of claim?  A. Yes.  Q. And in that conversation did you have did you discuss Chief Paradiso?  A. Yes.  Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things.  Q. Do you recall specifically what Mayor Rogers said?  A. Off the top of my head right now,	2 3 4 5 6 7 8 9 10 11 12	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.
2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no.	2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we are
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse about the notice of claim?  A. Yes.  Q. And in that conversation did you have did you discuss Chief Paradiso?  A. Yes.  Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things.  Q. Do you recall specifically what Mayor Rogers said?  A. Off the top of my head right now, no.  Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49 drank a beer. No foundation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse about the notice of claim?  A. Yes.  Q. And in that conversation did you have did you discuss Chief Paradiso?  A. Yes.  Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things.  Q. Do you recall specifically what Mayor Rogers said?  A. Off the top of my head right now, no.  Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse about the notice of claim?  A. Yes.  Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53  A. Yes.  Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things. 15:49:04  Q. Do you recall specifically what Mayor Rogers said?  A. Off the top of my head right now, no.  Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes? A. Yes. Q. Did Mr. Nofi ever advise you that 15:49:42	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we areyou have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking hypotheticals. 15:51:59
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse about the notice of claim?  A. Yes.  Q. And in that conversation did you have did you discuss Chief Paradiso?  A. Yes.  Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time?  A. I just remember her being unhappy with the way he ran things.  Q. Do you recall specifically what Mayor Rogers said?  A. Off the top of my head right now, no.  Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes?  A. Yes.  Q. Did Mr. Nofi ever advise you that 15:49:42 he had issued a 10-1 and that any police	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we are you have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking hypotheticals. 15:51:59  MR. NOVIKOFF: That is true.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes? A. Yes. Q. Did Mr. Nofi ever advise you that 15:49:42 he had issued a 10-1 and that any police officer failed to respond to the 10-1?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we are you have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking hypotheticals. 15:51:59  MR. NOVIKOFF: That is true.  MR. GOODSTADT: If you mentioned
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes? A. Yes. Q. Did Mr. Nofi ever advise you that 15:49:42 he had issued a 10-1 and that any police officer failed to respond to the 10-1? A. He never complained, no.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we are you have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking hypotheticals. 15:51:59  MR. NOVIKOFF: That is true.  MR. GOODSTADT: If you mentioned one of my clients then maybe I would have
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse about the notice of claim?  A. Yes. Q. And in that conversation did you have did you discuss Chief Paradiso? 15:48:53 A. Yes. Q. What did Mayor Rogers say to you concerning Chief Paradiso at that time? A. I just remember her being unhappy with the way he ran things. 15:49:04 Q. Do you recall specifically what Mayor Rogers said? A. Off the top of my head right now, no. Q. Radio codes, again Mr. Goodstadt 15:49:12 asked you and you rolled your eyes, Mr. Goodstadt asked you some questions about radio codes? A. Yes. Q. Did Mr. Nofi ever advise you that 15:49:42 he had issued a 10-1 and that any police officer failed to respond to the 10-1?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse Beach while in uniform to go into a private residence, sit down and drink a beer?  A. Would it be inappropriate?  Q. Yes. 15:51:22  A. In my opinion yes.  Q. While they were on duty in uniform?  A. Absolutely, yes.  Q. How about if they went into a 15:51:28 resident's house, had a woman sit on his lap, drink a beer and have a picture taken?  A. It is inappropriate.  MR. GOODSTADT: I think we are you have no foundation that they even 15:51:49 drank a beer. No foundation.  MR. NOVIKOFF: Okay. You could have objected to form.  MR. GOODSTADT: You are asking hypotheticals. 15:51:59  MR. NOVIKOFF: That is true.  MR. GOODSTADT: If you mentioned

	<u> </u>	302	
	Page 795		Page 797
1	Hesse	1	Hesse
2	MR. NOVIKOFF: Well it is what it	2	Q. How was it exaggerated?
3	is.	3	A. I need you to read it to me so I
4	Q. In response to I think Mr.	4	can
5	Goodstadt's question again on the radio codes, 15:52:22	5	Q. Let me go find it. You know what, 15:54:15
6	I think you said that the officers always	6	let me mark the following complaint because I
7	spoke the codes as well as plain talk, do you	7	just want to make sure that we covered the
8	recall that?	8	allegations. I apologize, I tried to do it a
9	A. Yes.	9	little expeditiously and I don't want to mess
10	Q. What does plain talk mean? 15:52:33	10	it up. 15:54:59
11	A. Basically what we are doing now.	11	MR. CONNOLLY: While this is being
12	Just talking to each other. Just give him the	12	marked let's go off the record.
13	type of call it was, you know, for what it	13	THE VIDEOGRAPHER: The time is
14	was.	14	3:56, we are off the record.
15	Q. Give me an example? 15:52:42	15	(Recess taken.) 15:55:08
16	A. Like we get a complaint of noise	16	THE VIDEOGRAPHER: The time is
17	somewhere. So the dispatcher would pick up	17	4:05, we are on the record.
18	the radio, he would assign it to an officer.	18	MR. NOVIKOFF: We are going to
19	The officer would respond and he would say, we	19	stop the deposition today after all
20	have a 10-17, noise complaint at 668 Ocean 15:52:53	20	counsel have had a discussion off the 16:03:28
21	Breeze.	21	record. We are going to continue with
22	Q. Okay. Flipping back a little bit,	22	the deposition of Mr. Hesse and hopefully
23	sorry, I don't think I asked you this	23	complete it on August 17th.
24	question.	24	We are confirmed for Mr. Carollo
25	Did Lamm or any other officer ever 15:53:04	25	at this office here at 2 o'clock next 16:03:43
	Page 796		Page 798
1	Hesse	1	·
2	advise you that people dumped beer near them	2	Tuesday, and counsel will discuss the
3	when they were walking on the beach?	3	briefing schedule either tomorrow or
4	A. We had an incident.	4	early next week.
5	Q. What is that incident? 15:53:18	5	MR. GOODSTADT: No objection. 16:03:53
6	A. We had an incident that Kevin Lamm	6	MR. CONNOLLY: With the request
7		7	being that if he pushed back one week
	and Tommy Snyder were standing on a foot post and Ocean Breeze and Bay Walk, and some punk	8	subject to court consent.
8	took a beer, poured it down the ledge of the	9	MR. NOVIKOFF: Okay.
9	building and it dripped on to Tom Snyder. 15:53:35	10	THE VIDEOGRAPHER: The time is 16:04:03
11	Q. Now there is an allegation in the	11	4:05. We are off the record.
12	•	12	(Time noted: 4:05 p.m.)
13	complaint about beer being thrown from a	13	(Time noted. 4.05 p.m.)
14	second or third floor story near Mr. Lamm. Do	14	GEORGE HESSE
15	you recall seeing that? A. The complaint? 15:53:50	15	OFOROE LIESSE
16	1	16	Subscribed and sworn to before me
	Q. Yes. A. Yes.	17	
17 18		1	this day of, 2009
	Q. To your understanding is that the	18	
19 20	incident that you are discussing?	20	
21	A. That is the only one that I know 15:53:57	21	
22	of.  O Was the ellegations in the	22	
23	Q. Was the allegations in the	23	
	complaint about that incident accurate?	24	
24	MR. GOODSTADT: Objection.		
25	A. It was exaggerated. 15:54:06	25	

## Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 202 of 236 PageID #:

1		ىرىر	
	Page 799		Page 801
1		1	
2	CERTIFICATE	2	Hesse Exhibit 22, internal 569
3	STATE OF NEW YORK )	3	correspondence, December 10,
4	: SS.	4	2004,
5	COUNTY OF NEW YORK )	5	Hesse Exhibit 23, typewritten 577
6	coefficient forms	6	document dated 11/5/04 to George
7	I, Philip Rizzuti, a Notary	7	Hesse,
8	Public within and for the State of New	8	Hesse Exhibit 24, internal 588
9	York, do hereby certify:	9	correspondence, November 7,
10	That GEORGE HESSE, the witness	10	2004,
11	whose deposition is hereinbefore set forth,	11	Hesse Exhibit 25, Ocean Beach 599
12	was duly sworn by me and that such	12	Police Department, document
13	deposition is a true record of the	13	dated 11/5/2004,
14	testimony given by the witness.	14	Hesse Exhibit 26, incident 604
15	I further certify that I am not	15	report, 12/11/2004,
16	related to any of the parties to this	16	Hesse Exhibit 27, letter dated 612
17	action by blood or marriage, and that I am	17	March 11, 2006,
18	in no way interested in the outcome of this	18	Hesse Exhibit 28, Employment, 664
19	matter.	19	Collier County Sheriff's Office,
20	IN WITNESS WHEREOF, I have	20	Employment Reference Prior
21	hereunto set my hand this 18th day of	21	Experience,
22	•	22	Experience,
23	August, 2009.	23	
24	PHILIP RIZZUTI	24	
25	FRILIF KIZZUII	25	
		23	
	Page 800		Page 802
1		1	
2	I N D E X	2	*** ERRATA SHEET ***
3	WITNESS EXAMINATION BY PAGE	3	NAME OF CASE: CARTER VS. OCEAN BEACH
4	GEORGE HESSE Mr. Goodstadt 491		DATE OF DEPOSITION: August 6, 2009
5	Mr. Novikoff 679	4	NAME OF WITNESS: GEORGE HESSE
6		_	PAGE LINE FROM TO
7	INFORMATION REQUESTS	5	
8	DIRECTIONS: None	6	
9	RULINGS: None	8	
10	TO BE FURNISHED: None	9	
11	REQUESTS: 619, 638	10	
12	MOTIONS: None	11	
13		12	
14	EXHIBITS	13	
15	Hesse Exhibit 17, photocopy of 524	14	
16	photographs,	15	
17	Hesse Exhibit 18, incident 529	16	
18	report,	17	
19	Hesse Exhibit 19, handwritten 543	18	
20	statement, November 1, 2004,	19	
		20 21	GEORGE HESSE
21	Hesse Exhibit 20, handwritten 554		
21			
	Hesse Exhibit 20, handwritten 554 statement, November 2, 2004, Hesse Exhibit 21, internal 562	22	Subscribed and sworn to before me
22	statement, November 2, 2004,		

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	Page 80	<b>3304</b> ₃	Page 80
	. UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	1 2	APPEARANCES:
		3	ATTEARANCES.
	EDWARD CARTER, FRANK FIORILLO, ) KEVIN LAMM, JOSEPH NOFI and )	4	THOMPSON WIGDOR & GILLY, LLP
	THOMAS SNYDER,	5	Attorneys for Plaintiffs
	Plaintiffs,	6	85 Fifth Avenue
	vs. ) CV 07 1215	7	New York, New York 10003
	) INCORPORATED VILLAGE OF OCEAN )	8	BY: ANDREW S. GOODSTADT, ESQ.
	BEACH; MAYOR JOSEPH C. LOEFFLER)	9	B1. ANDREW 3. GOODSTADT, ESQ.
	JR., individually and in his ) Official capacity; former Mayor)	10	MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C
	NATALIE K. ROGERS, individually) and in her official capacity, )	11	Attorneys for George B. Hesse
	OCEAN BEACH POLICE DEPARTMENT; )	12	530 Saw Mill Road
	ACTING DEPUTY POLICE CHIEF ) GEORGE B. HESSE, individually )		
	And in his official capacity; ) SUFFOLK COUNTY; SUFFOLK COUNTY )	13	Elmsford, New York 10523
	POLICE DEPARTMENT, SUFFOLK )	15	BY: KEVIN W. CONNOLLY, ESQ.
	COUNTY DEPARTMENT OF CIVIL ) SERVICE; and ALLISON SANCHEZ, )		DIVIZINI DA DI EDILI D
	Individually and in her ) Official capacity, )	16	RIVKIN RADLER, LLP
	)	17	Attorneys for Incorporated Village of
	Defendants. )	18	Ocean Beach, Joseph Loeffler, Natalie
	,	19	Rogers and Ocean Beach Police Department
	CONTINUED VIDEOTAPED DEPOSITION OF	20	926 RexCorp Plaza
	GEORGE HESSE Uniondale, New York	21	Uniondale, New York 11556-0926
	Monday, August 17, 2009	22	BY: KENNETH A. NOVIKOFF, ESQ.
	Reported by:	23	
	Philip Rizzuti JOB NO. 24185	24 25	
	Page 80	+	Page 800
1		1	
2		2	APPEARANCES:
	August 17, 2009	-	mi i Emmino Es.
3		3	
		3	RUDOLPH M. RAPTISTE, ESO
4	10:22 a.m.	4	RUDOLPH M. BAPTISTE, ESQ.
4 5	10:22 a.m.	4 5	Assistant County Attorney
4 5 6	10:22 a.m.  Continued videotaped deposition	4 5 6	Assistant County Attorney Suffolk County, State of New York
4 5 6 7	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices	4 5 6 7	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway
4 5 6 7 8	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza,	4 5 6 7 8	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100
4 5 6 7 8	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to	4 5 6 7 8 9	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway
4 5 6 7 8 9	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311
4 5 6 7 8 9 0 1	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to	4 5 6 7 8 9 10	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
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4 5 6 7 8 9 0 1 2 3	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
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4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
4 5 6 7 8 9 0 1 1 2 3 4 5 6 7 8 9 0	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
456789012345678901	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
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7 8 9 .0 .1 .2 3 .4 5 .6 7 8 9 .0 1 .2 3 .4 5 .6 7 8 9 .2 1 .2 3	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:
4567890123456789012	10:22 a.m.  Continued videotaped deposition of GEORGE HESSE, held at the offices of Rivkin Radler, 926 Rexcorp Plaza, Uniondale, New York, pursuant to subpoena, before Philip Rizzuti, a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Assistant County Attorney Suffolk County, State of New York 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-4311 ALSO PRESENT:

1 (Pages 803 to 806)

	13	305	
	Page 807		Page 809
1	Hesse	1	Hesse
2	MR. NOVIKOFF: Would you mark as	2	Q. How about outside of Ocean Beach?
	Hesse Exhibit 29, complaint.	3	A. No.
4	(Hesse Exhibit 29, complaint,	4	Q. Paragraph 33 plaintiffs allege in
	arked for identification, as of this 10:08:44	5	part that you encouraged and enabled on-duty 10:23:18
		6	officers to drink alcohol in the police
7 <b>u</b> ai	te.) THE VIDEOGRAPHER: This is the	7	station.
		8	
	start of the tape labelled number 1 of	9	Sir, did you ever encourage or
	the continuation of George Hesse in the matter of Carter and Fiorillo versus 10:21:20		enable any on-duty officers to drink alcohol
		10	in the police station? 10:23:31  A. No.
	Incorporated Village of Ocean Beach. The	12	
	date is August 17th. The time is 10:22		Q. Plaintiffs allege that you would
	a.m., we are on the record.	13	collect money to have these on-duty police
	EORGE HESSE, called as a	14	officers have Rocket Fuel in the police
	witness, having been duly sworn by a 10:21:33	15	station. 10:23:45
	Notary Public, was examined and testified as follows:	16	Sir, did you ever collect money so
		17	that on-duty police officers could drink
	AMINATION BY	18	Rocket Fuel in the police station?  A. No.
	. NOVIKOFF:	20	
	Q. Good morning Mr. Hesse. 10:21:35		Q. Let's look at paragraph 35. 10:23:55
	A. Good morning.	21	Plaintiffs allege in part that you hired
	Q. How are you, welcome back for your	22	civilians as police dispatchers.
	rth day. Hopefully we will be out of here	23	Did you, Mr. Hesse, hire civilians
	noon. Where I left off with you was we	24	to be civil dispatchers?
25 <b>wer</b>	re going to start going through some of the 10:21:42	25	A. I didn't hire anybody at that 10:24:17
	Page 808		Page 810
1	Hesse	1	Hesse
2 <b>alle</b>	gations in the complaint.	2	time, no.
3	In front of you is what has been	3	Q. Paragraph 36. Plaintiffs allege
4 pre	-marked as Exhibit 29. I have left a copy	4	that each one of them advised you on numerous
_	Deposition Exhibit 29 for all counsel. I 10:21:51	5	occasions that the department and the village 10:24:30
	uld ask you to turn your attention to page	6	were left dangerously short of personnel while
	paragraph 32. In paragraph 32 plaintiffs	7	plaintiffs were assigned to chauffeur
	ge in part that you allowed your allies on	8	intoxicated officers and their civilian
	force to spend their shifts drinking at	9	friends.
	al bars while in uniform and officially on 10:22:28	10	Let me ask you this question, 10:24:42
11 <b>dut</b>	<del>-</del>	11	putting aside the fact as to whether or not
12	Did you ever allow any officers to	12	you ordered anyone to chauffeur anyone, I
	nk in local bars while in uniform and	13	think you have spoken about that, did any of
±5 uiii	cially on duty?	14	the plaintiffs ever complain to you about the
	cially on auty.		
14 <b>offi</b>	A. No. 10:22:39	15	subject of they having to chauffeur anyone 10:24:55
14 <b>offi</b>	· · ·	15 16	subject of they having to chauffeur anyone 10:24:55 within or without of Ocean Beach?
14 <b>offi</b> 15 16	A. No. 10:22:39		· ·
14 <b>offi</b> 15 16 17 <b>par</b>	A. No. 10:22:39 <b>Q. Plaintiffs then go on to allege in</b>	16	within or without of Ocean Beach?
14 <b>offi</b> 15 16 <b>par</b> 18 <b>offi</b>	A. No. 10:22:39  Q. Plaintiffs then go on to allege in agraph 32 that you instructed other	16 17	within or without of Ocean Beach? A. No.
14 official 15	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other cers under your command including the	16 17 18	within or without of Ocean Beach? A. No. Q. Did they ever complain to you that
14 official 15	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other cers under your command including the intiffs to neglect their own duties in	16 17 18 19	within or without of Ocean Beach?  A. No.  Q. Did they ever complain to you that anything you did left the village dangerously
14 official 15	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other acers under your command including the intiffs to neglect their own duties in ler to chauffeur their intoxicated 10:22:56 leagues both inside and out of Ocean Beach.	16 17 18 19 20	within or without of Ocean Beach?  A. No.  Q. Did they ever complain to you that anything you did left the village dangerously short of police personnel?  10:25:13
14 official 15 par 18 official 20 ord 21 coll 22	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other cers under your command including the intiffs to neglect their own duties in ter to chauffeur their intoxicated 10:22:56	16 17 18 19 20 21	within or without of Ocean Beach?  A. No.  Q. Did they ever complain to you that anything you did left the village dangerously short of police personnel?  A. Never.
14 official 15 par 18 official 20 ord 21 coll 22 2 to c	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other cers under your command including the intiffs to neglect their own duties in ler to chauffeur their intoxicated 10:22:56 leagues both inside and out of Ocean Beach.  Did you ever order the plaintiffs	16 17 18 19 20 21 22	within or without of Ocean Beach?  A. No.  Q. Did they ever complain to you that anything you did left the village dangerously short of police personnel?  10:25:13  A. Never.  Q. Did they ever complain to you that
14 officients of the color of t	A. No. 10:22:39  Q. Plaintiffs then go on to allege in ragraph 32 that you instructed other cers under your command including the intiffs to neglect their own duties in ler to chauffeur their intoxicated 10:22:56 leagues both inside and out of Ocean Beach.  Did you ever order the plaintiffs chauffeur intoxicated police officers	16 17 18 19 20 21 22 23	within or without of Ocean Beach?  A. No.  Q. Did they ever complain to you that anything you did left the village dangerously short of police personnel?  A. Never.  Q. Did they ever complain to you that they personally witnessed on-duty police

2 (Pages 807 to 810)

	<u></u>	306	
	Page 811		Page 813
1	<b>Ч</b> оссо	1	Шада
1	Hesse	1	Hesse
2	A. Never.	2	to remove empty beer cans and other garbage
3	Q. Let's look at the next page,	3	left by any other officer in the police
4	paragraph 39. Plaintiffs allege in part that	4	station?
5	you allowed uncertified officers to assign 10:25:49	5	A. No. 10:28:08
6	dock masters to cover their shifts at the	6	Q. Did they ever complain to you that
7	Ocean Beach Police Department.	7	they felt that they were required by you to
8	Did you ever allow uncertified	8	pick up beer cans and garbage left by other
9	officers to assign dock masters to cover	9	officers in the police station?
10	shifts at the Ocean Beach Police Department? 10:26:07	10	A. Never. 10:28:17
11	A. Never.	11	Q. Let's go to paragraph 43. Did
12	Q. Did you ever allow any officer to	12	Officer Snyder well, in 43 Officer Snyder's
13	assign a dock master to cover shifts at the	13	complaint is alleging that on one or more
14	Ocean Beach Police Department?	14	occasions other officers took away his police
15	A. No. 10:26:19	15	radio phone. 10:28:39
16	Q. Paragraph 40. Plaintiffs allege	16	Did Snyder ever complain to you
17	in part that you allowed uncertified officers	17	that any other officer would take away his
		18	· ·
18	to drink beer while patrolling in police		emergency cell phone from him?
19	vehicles.	19	MR. GOODSTADT: Objection.
20	Assuming that it really doesn't 10:26:33	20	A. No. 10:28:50
21	matter whether someone is uncertified or	21	Q. Did Snyder ever complain to you
22	certified with regard to drinking in police	22	that he felt that other officers were
23	vehicles, let me ask you this question. Did	23	mistreating him?
24	you ever allow any officers to drink beer	24	A. No.
25	while patrolling in police vehicles? 10:26:44	25	MR. GOODSTADT: Just note my 10:29:04
	D 010		
	Page 81/		Page 814
	Page 812		Page 814
1	Hesse	1	Hesse
1 2	Hesse A. Never.	1 2	Hesse objection to that as well.
	Hesse A. Never. Q. Did any of the plaintiffs ever		Hesse
2	Hesse A. Never.	2	Hesse objection to that as well.
2	Hesse A. Never. Q. Did any of the plaintiffs ever	2 3	Hesse objection to that as well. MR. NOVIKOFF: That question?
2 3 4	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any	2 3 4	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes.
2 3 4 5	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51	2 3 4 5	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell
2 3 4 5	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty?	2 3 4 5	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09
2 3 4 5 6 7	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never.	2 3 4 5 6 7	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay.
2 3 4 5 6 7 8	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types	2 3 4 5 6 7 8	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain
2 3 4 5 6 7 8 9	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06	2 3 4 5 6 7 8	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56
2 3 4 5 6 7 8 9	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain	2 3 4 5 6 7 8 9 10	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43?
2 3 4 5 6 7 8 9 10 11	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you	2 3 4 5 6 7 8 9 10 11	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No.
2 3 4 5 6 7 8 9 10 11 12	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly?	2 3 4 5 6 7 8 9 10 11 12 13	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to
2 3 4 5 6 7 8 9 10 11 12 13	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to yourself please and then tell me when you are
2 3 4 5 6 7 8 9 10 11 12 13 14	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No. Q. Did the plaintiffs ever complain 10:27:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to yourself please and then tell me when you are done? 10:30:07
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No. Q. Did the plaintiffs ever complain 10:27:24 to you about any officers drinking the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to yourself please and then tell me when you are done? 10:30:07 A. Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No. Q. Did the plaintiffs ever complain 10:27:24 to you about any officers drinking the confiscated beer?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to yourself please and then tell me when you are done? 10:30:07 A. Okay. Q. In now in paragraph 45 Mr.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No. Q. Did the plaintiffs ever complain 10:27:24 to you about any officers drinking the confiscated beer? A. Never.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Hesse objection to that as well. MR. NOVIKOFF: That question? MR. GOODSTADT: Yes. MR. NOVIKOFF: Okay. 10:29:09 Q. Let's look at paragraph 43. Tell me when you are done reading it to yourself? A. Okay. Q. Did Officer Snyder ever complain to you about anything that is referenced 10:29:56 within paragraph 43? A. No. Q. Read paragraphs 44 and 45 to yourself please and then tell me when you are done? 10:30:07 A. Okay. Q. In now in paragraph 45 Mr. Fiorillo is alleging that you chided him in
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse A. Never. Q. Did any of the plaintiffs ever advise you that they were aware that any officer was drinking a beer in a police 10:26:51 vehicle while on duty? A. Never. Q. Would you tell officers what types of beer to confiscate? A. No. 10:27:06 Q. Did the plaintiffs ever complain to you about you about the subject of you confiscating beer improperly? A. No. Q. Did the plaintiffs ever complain 10:27:24 to you about any officers drinking the confiscated beer? A. Never. Q. Paragraph 41. Plaintiffs allege that you instructed them to remove empty beer 10:27:43 cans and other refuge that uncertified officers abandoned in their vehicles and left strewn about the police station after a night	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	objection to that as well.  MR. NOVIKOFF: That question?  MR. GOODSTADT: Yes.  MR. NOVIKOFF: Okay. 10:29:09  Q. Let's look at paragraph 43. Tell  me when you are done reading it to yourself?  A. Okay.  Q. Did Officer Snyder ever complain  to you about anything that is referenced 10:29:56  within paragraph 43?  A. No.  Q. Read paragraphs 44 and 45 to  yourself please and then tell me when you are  done? 10:30:07  A. Okay.  Q. In now in paragraph 45 Mr.  Fiorillo is alleging that you chided him in  the presence of Lamm and Nofi with regard to  his involvement in an altercation involving an 10:31:04  intoxicated off-duty police officer.  Did you ever chide Mr. Fiorillo  with regard to his involvement in an incident,

3 (Pages 811 to 814)

	13	307	
	Page 815		Page 817
1	Hesse	1	Hesse
2	MR. GOODSTADT: Objection.	2	Q. Did you ever question Fiorillo as
3	Q. As referenced in 44 and 45?	3	to why he did this?
4	A. As reference to this, no.	4	A. Yes.
5		5	
_	= •		v
6	have idea do you have an understanding as	6	A. He said he didn't recognize him.
7	to what Mr. Fiorillo is referencing in	7	Q. But what did you ask him; before
8	paragraph 44 and 45?	8	you tell me what Fiorillo said what
9	A. Yes.	9	specifically did you ask him if you can
10	Q. Could you please tell me what he 10:31:35	10	recall? 10:33:37
11	is referencing?	11	A. I don't remember a specific
12	A. He is referencing an incident that	12	question that I asked. But I made a statement
13	happened on the South Bay Water Taxi's. We	13	that you better know your officers before you
14	got a call of a fight on the water taxi. The	14	take action like that.
15	fight was between a Dr. Something Guida from 10:31:50	15	Q. Is it usual for one officer to put 10:33:47
16	the Good Samaritan Hospital, he was punching	16	another officer in a head lock?
17	his girlfriend in the face, it was not Police	17	A. Of course not, and the other thing
18	Officer Walter Muller who he is talking about	18	is Lamm and Nofi were not even on that night
19	here.	19	that I believe. I don't remember them being
20	Walter Muller identified himself 10:32:07	20	there. 10:33:57
21	as a police officer, he was there with his	21	Q. Now where would there be a record
22	wife, they were out to dinner that night. He	22	of what nights, what shifts Lamm and Nofi
23	was not intoxicated. He had taken police	23	worked in June of 2002?
24	action. One of our civilian dock masters had		
		24	A. I am sure that the village has
25	jumped on the boat and because of Officer 10:32:19	25	provided all the schedules. 10:34:09
	Page 816		Page 818
1	Hesse	1	Hesse
2	Fiorillo's actions that civilian also the	2	Q. Where would I find it?
3	dock master had gotten hurt.	3	A. On the schedules or maybe copies
4	So when the incident was over we	4	of the blotters or something like that.
5	arrested Dr. Guido for harassment on that 10:32:30	5	Q. Where would there be a record of 10:34:15
6	civilian dock master because the confrontation	6	the arrest of Dr. Guida?
7	that they had between them. What happened	7	A. That was definitely turned over.
8	,	8	It is definitely in our files somewhere.
	later was as a group I yelled at everybody,	1	
9	especially the civilian dock master for	9	Q. Let's look at paragraph 46 and 47
10	getting involved in police action. 10:32:48	10	and 48. Please read those and tell me when 10:34:34
11	Q. Who was the civilian dock master?	11	you are done?
12	A. Kenny Lappena.	12	A. Okay.
13	Q. And when you said because of Mr.	13	Q. In 46 Mr. Fiorillo is alleging in
14	Fiorillo's actions the dock master got hurt,	14	part that on one occasion you demanded of him
15	what was Mr. Fiorillo's actions that you are 10:32:57	15	to transport you to a party at a private 10:35:14
16	referring to?	16	residence in Ocean Beach.
17	A. What happened was because he put	17	Did you ever demand that Mr.
18	Officer Muller in a head lock and prevented	18	Fiorillo transport you to a private residence
19	him from restraining Dr. Guida, Dr. Guida was	19	in Ocean Beach for the purpose of attending a
20	aggressive toward the civilian dock master and 10:33:14	20	party? 10:35:25
21	he got hurt.	21	A. No.
22	Q. So let me understand you	22	Q. Did you ever ask him to transport
23	correctly. Fiorillo put Muller in a head	23	you to a party on a private residence in Ocean
24	lock?	24	Beach?
25	A. Yes, he did. 10:33:23	25	A. Not that I recall. 10:35:32
	11. 100, 110 010. 10.33.23	1 - 0	11. 1100 0100 1100011. 10.33.32

4 (Pages 815 to 818)

	13	308	
	Page 819		Page 821
1	Hesse	1	Hesse
2	Q. Did you ever require Mr. Fiorillo	2	paragraph 50 to yourself and advise me when
3	to pick you up from a party at a private	3	you are done reading it.
4	residence?	4	A. Okay.
5	A. No. 10:35:45	5	Q. Now in paragraph 50 it appears 10:38:16
6		6	that Mr. Fiorillo is alleging in part that you
7	Q. On Ocean Beach? A. No.	7	interfered in the issuance of a summons by him
8		8	to the son of a business owner in Ocean Beach.
	Q. Let me ask you this question		
9	because I asked Mr. Paradiso a couple of	9	Do you have any recollection as to
10	questions. How long would it take to drive 10:35:56	10	what Mr. Fiorillo is referring to in paragraph 10:38:35
11	one of your police vehicles from the north to	11	50?
12	the south part of Ocean Beach?	12	A. I have no idea.
13	A. About two minutes.	13	Q. Did you ever tear up a summons
14	Q. How about from east and west	14	that Fiorillo issued to anybody in Ocean
15	within Ocean Beach? 10:36:06	15	Beach? 10:38:44
16	A. Ten blocks, and they are not	16	A. Never.
17	regular blocks, there are maybe 200 feet	17	Q. Let's please read 51 and tell me
18	between each block.	18	when you are done.
19	Q. So taking a police vehicle from	19	A. Okay.
20	east to west, how long would it take to drive? 10:36:16	20	Q. Did you ever instruct any of the 10:39:13
21	A. A minute or two.	21	plaintiffs not to issue summonses to any bar
22	Q. And north to south?	22	in Ocean Beach?
23	A. The same.	23	A. No.
24	Q. In paragraph 47 Mr. Fiorillo makes	24	Q. Did you ever advise any of the
25	some allegations concerning a known drug 10:36:36	25	plaintiffs that certain bars should not be 10:39:25
	Page 820		Page 822
1	Page 820	1	Page 822
1	Hesse	1	Hesse
2	Hesse dealer, although he doesn't identify who the	2	Hesse withdrawn.
2	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the	2 3	Hesse withdrawn. Did any of the plaintiffs ever
2 3 4	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint.	2 3 4	Hesse withdrawn. Did any of the plaintiffs ever complain to you about you selectively
2 3 4 5	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint. Mr. Hesse, did Mr. Fiorillo ever 10:36:45	2 3 4 5	Hesse withdrawn. Did any of the plaintiffs ever complain to you about you selectively enforcing the law? 10:39:43
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2 3 4 5 6 7	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint.  Mr. Hesse, did Mr. Fiorillo ever 10:36:45 inquire with you with regard to any relationship you have with a drug dealer?	2 3 4 5 6 7	Hesse withdrawn. Did any of the plaintiffs ever complain to you about you selectively enforcing the law? 10:39:43 A. No. MR. GOODSTADT: Objection.
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2 3 4 5 6 7 8 9 10	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint.  Mr. Hesse, did Mr. Fiorillo ever 10:36:45 inquire with you with regard to any relationship you have with a drug dealer?  A. No.  Q. Did you ever advise Mr. Fiorillo that you have as a close personal friend a 10:36:59 drug dealer who lives in Ocean Beach?	2 3 4 5 6 7 8 9 10	Hesse withdrawn. Did any of the plaintiffs ever complain to you about you selectively enforcing the law? 10:39:43 A. No. MR. GOODSTADT: Objection. Q. Please read 52 and 53 and tell me when you are done? A. Okay. 10:40:00 Q. Now in 52 plaintiffs are alleging
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint.  Mr. Hesse, did Mr. Fiorillo ever 10:36:45 inquire with you with regard to any relationship you have with a drug dealer?  A. No.  Q. Did you ever advise Mr. Fiorillo that you have as a close personal friend a 10:36:59 drug dealer who lives in Ocean Beach?  A. No.  Q. Did you ever forbid Mr. Fiorillo from interfering with any drug dealer's activity in Ocean Beach?  A. Never.  Q. To your knowledge withdrawn.  Let's go to paragraph 49. Did you ever require any of the plaintiffs to chauffeur you to various residences within 10:37:38 Ocean Beach for non-police business?  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse withdrawn. Did any of the plaintiffs ever complain to you about you selectively enforcing the law? 10:39:43  A. No. MR. GOODSTADT: Objection. Q. Please read 52 and 53 and tell me when you are done? A. Okay. 10:40:00 Q. Now in 52 plaintiffs are alleging an incident involving Snyder and Lamm where they witnessed a down pure of beer falling at their feet. Do you see where they are referring to? 10:40:56 A. Yes. Q. Let's look at 53. According to the plaintiffs in 53 you, Mr. Hesse, directed Officers Lamm and Snyder not to issue any citations or make any arrest with regard to 10:41:12 these alleged under age individuals drinking alcohol in that apartment building.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse dealer, although he doesn't identify who the known drug dealer is anywhere in the complaint.  Mr. Hesse, did Mr. Fiorillo ever 10:36:45 inquire with you with regard to any relationship you have with a drug dealer?  A. No.  Q. Did you ever advise Mr. Fiorillo that you have as a close personal friend a 10:36:59 drug dealer who lives in Ocean Beach?  A. No.  Q. Did you ever forbid Mr. Fiorillo from interfering with any drug dealer's activity in Ocean Beach?  A. Never.  Q. To your knowledge withdrawn.  Let's go to paragraph 49. Did you ever require any of the plaintiffs to chauffeur you to various residences within Ocean Beach for non-police business?  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	withdrawn.  Did any of the plaintiffs ever complain to you about you selectively enforcing the law?  A. No.  MR. GOODSTADT: Objection.  Q. Please read 52 and 53 and tell me when you are done?  A. Okay.  Okay.  10:40:00  Q. Now in 52 plaintiffs are alleging an incident involving Snyder and Lamm where they witnessed a down pure of beer falling at their feet. Do you see where they are referring to?  A. Yes.  Q. Let's look at 53. According to the plaintiffs in 53 you, Mr. Hesse, directed Officers Lamm and Snyder not to issue any citations or make any arrest with regard to 10:41:12 these alleged under age individuals drinking alcohol in that apartment building.  Did you ever direct Lamm and
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5 (Pages 819 to 822)

	Page 823	309	Page 825
1	Hesse	1	Hesse
2	breaking the law?	2	paraphernalia not being present in that
3	A. No.	3	apartment. You are referring to the
4	Q. Did Lamm or Snyder ever relay the	4	allegation in paragraph 52 when the plaintiffs
5	incident to you where they believed that beer 10:41:35	5	alleged that there was an extensive collection 10:43:52
6	was thrown at them?	6	of such paraphernalia; correct?
7	A. Yes.	7	A. Yes.
8	Q. What did they say to you?	8	Q. It is your testimony that that
9	A. Tommy Snyder well I was called	9	allegation is incorrect?
10	to the scene. Tommy Snyder said that some 10:41:45	10	A. Correct. 10:43:59
11	beer had dripped on him, I don't know if it	11	Q. And it is your position with
12	was a down pure of beer, but I think he got a	12	regard to the incidents being described in 52
13	few drips on his head, because there was some	13	and 53 that you asked Tommy Snyder what he
14	intox kid dumping beer down the, I guess the	14	wanted to do, and Snyder's response was to
15	slope of the roof and it dripped on to Officer 10:41:59	15	call the father? 10:44:17
16	Snyder.	16	A. That is it.
17	So when I received we went up	17	Q. Okay. Go to paragraph 54, please
18	there, we identified the kid, he was 21. His	18	read it and tell me when you are done.
19	father happened to be a lieutenant in Nassau	19	A. Okay.
20	County PD. I asked Snyder what do you want me 10:42:14	20	Q. There has been some confusion 10:44:49
21	to do with this. He said let's just call the	21	among some of the witnesses who looked at this
22	father, which we did, to let the father know	22	paragraph. Is 54 in your opinion still
23	what his son just did.	23	referring to the same evening in the same
24	We went up to the residence where	24	apartment that 52 and 53 are referring to?
25	the renter of the residence John was on the 10:42:29	25	MR. GOODSTADT: Objection. 10:45:02
	Page 824		
			Page 826
	_		Page 826
1	Hesse	1	Hesse
2	Hesse scene, I forget his last name. We wrote him a	2	Hesse MR. CONNOLLY: Objection.
2	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe	2 3	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't
2 3 4	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not	2 3 4	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't know.
2 3 4 5	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not extensive drugs or drug paraphernalia there. 10:42:46	2 3 4 5	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't know. Q. Now did you ever prohibit the 10:45:05
2 3 4 5 6	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not extensive drugs or drug paraphernalia there. 10:42:46 There was one pipe that was sitting on a	2 3 4 5 6	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't know. Q. Now did you ever prohibit the 10:45:05 plaintiffs from investigating any crime that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not extensive drugs or drug paraphernalia there. 10:42:46 There was one pipe that was sitting on a counter. There was some empty beer cans sitting around.  I believe John had maybe his sister, younger sister and some of her friends 10:43:01 there which none of them were seen drinking any alcohol, because I believe the officers had checked because I was dealing with John. I confiscated the pipe, I went out to the balcony so everybody could see and I threw the 10:43:19 pipe into the bay. And that was the end of the story.  Q. Now who was the police officer of Nassau County?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't know. Q. Now did you ever prohibit the 10:45:05 plaintiffs from investigating any crime that took place in that apartment that evening or any other evening? A. No. Q. Did you ever instruct any of the 10:45:16 plaintiffs to stay away from that apartment and not investigate any alleged act of criminality? A. Never. Q. That night or any night 10:45:27 afterwards? A. Never. Q. Now in the last sentence of paragraph 54 the plaintiffs allege as follows
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not extensive drugs or drug paraphernalia there. 10:42:46 There was one pipe that was sitting on a counter. There was some empty beer cans sitting around.  I believe John had maybe his sister, younger sister and some of her friends 10:43:01 there which none of them were seen drinking any alcohol, because I believe the officers had checked because I was dealing with John. I confiscated the pipe, I went out to the balcony so everybody could see and I threw the 10:43:19 pipe into the bay. And that was the end of the story.  Q. Now who was the police officer of Nassau County?  A. I don't remember his name. 10:43:26 Q. What was his title?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse MR. CONNOLLY: Objection. A. My opinion; it could be. I don't know. Q. Now did you ever prohibit the 10:45:05 plaintiffs from investigating any crime that took place in that apartment that evening or any other evening? A. No. Q. Did you ever instruct any of the 10:45:16 plaintiffs to stay away from that apartment and not investigate any alleged act of criminality? A. Never. Q. That night or any night 10:45:27 afterwards? A. Never. Q. Now in the last sentence of paragraph 54 the plaintiffs allege as follows and I will quote this: Indeed on another 10:45:39 occasion plaintiffs even observed certain of
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse scene, I forget his last name. We wrote him a summons for noise. We did find a small pipe for smoking marijuana. There was not extensive drugs or drug paraphernalia there. 10:42:46 There was one pipe that was sitting on a counter. There was some empty beer cans sitting around.  I believe John had maybe his sister, younger sister and some of her friends 10:43:01 there which none of them were seen drinking any alcohol, because I believe the officers had checked because I was dealing with John. I confiscated the pipe, I went out to the balcony so everybody could see and I threw the 10:43:19 pipe into the bay. And that was the end of the story.  Q. Now who was the police officer of Nassau County?  A. I don't remember his name. 10:43:26 Q. What was his title? A. He was a lieutenant, I remember him being a lieutenant.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. CONNOLLY: Objection.  A. My opinion; it could be. I don't know.  Q. Now did you ever prohibit the 10:45:05 plaintiffs from investigating any crime that took place in that apartment that evening or any other evening?  A. No.  Q. Did you ever instruct any of the 10:45:16 plaintiffs to stay away from that apartment and not investigate any alleged act of criminality?  A. Never.  Q. That night or any night 10:45:27 afterwards?  A. Never.  Q. Now in the last sentence of paragraph 54 the plaintiffs allege as follows and I will quote this: Indeed on another 10:45:39 occasion plaintiffs even observed certain of the uncertified officers on the apartment balcony drinking and socializing with the same

6 (Pages 823 to 826)

	13	310	
	Page 827		Page 829
1	Hesse	1	Hesse
2	advise you that they ever saw any other	2	another officer issued a citation to any minor
3	officer drinking and socializing with anyone	3	carrying a case of beer?
4	on the balcony of that apartment?	4	A. No.
5	A. Never. 10:46:12	5	Q. Did you ever are you aware of 10:48:01
6	Q. Let's go to paragraph 55, please	6	any incidents involving any officer issuing a
7	read it and tell me when you are done?	7	citation to a minor carrying a case of beer?
8	A. Okay.	8	A. I know the incident that they are
9	Q. Did you ever encourage minors to	9	referring to.
10	abuse alcohol? 10:46:39	10	Q. In paragraph 55? 10:48:14
11	MR. GOODSTADT: Objection.	11	A. Yes.
12	A. No.	12	Q. What is that incident?
13	MR. NOVIKOFF: What is the	13	A. I believe we talked about it on
14	objection, it is your allegation; in yet	14	one of my other days. There was a kid that
15	another instance of Hesse encouraging 10:46:46	15	works for CJ's. CJ's has an off premise 10:48:23
16	minors to abuse alcohol, so I am asking	16	license, they have an off premise sale
17	him. So what is the objection?	17	license, and I believe he was delivering a
18	MR. GOODSTADT: The allegation is	18	case of beer to of course it is to the
19	encouraging. I don't know if he has the	19	apartment where this other incident had taken
20	same definition that we would have. So 10:46:54	20	place. But the kids were 21. He was 10:48:45
21	object to the form.	21	delivering a case of beer. I don't remember
22	MR. NOVIKOFF: Because you don't	22	if it was Lamm or Fiorillo who issued the
23	think he has the same definition of what	23	summons to him. But I advised the kid bring
24	you have as encouraging?	24	the receipt, bring the license, a copy of the
25	MR. GOODSTADT: Maybe. 10:47:05	25	license, go to court, plead your case, he did, 10:49:02
_	•		
	Page 828		
	1 age 020		Page 830
1		1	Hesse
	Hesse		
1 2 3	Hesse MR. NOVIKOFF: Okay, that is fine.		Hesse and it was dismissed.
2	Hesse MR. NOVIKOFF: Okay, that is fine.  Q. What is your definition of	2	Hesse and it was dismissed.  Q. So when you say the kid was 21,
2	Hesse MR. NOVIKOFF: Okay, that is fine. Q. What is your definition of encouraging, Mr. Hesse?	2 3 4	Hesse and it was dismissed.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. NOVIKOFF: Okay, that is fine.  Q. What is your definition of encouraging, Mr. Hesse?  A. It could be that I permitted them 10:47:10 or I actually handed them the beer and said drink it, drink it.  Q. Under any definition that you may have as to the word encouraging did you ever encourage minors to abuse alcohol?  A. No.  Q. Did you ever encourage minors to drink alcohol?  A. No.  Q. Did you ever permit minors to 10:47:31 drink alcohol in your presence?  A. No.  Q. Did you ever condone minors of drinking alcohol in your presence?  A. No.  Q. Did you ever tell any of the plaintiffs not to issue summonses to any minors that they found to be drinking alcohol?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Hesse and it was dismissed.  Q. So when you say the kid was 21, you are saying the kid who the beer was being delivered to?  A. Correct. The kid that purchased the beer was 21.  Q. Okay. So let me understand what happened. Some kid purchased the kid who was 21 purchased the case of beer from CJ's? 10:49:23  A. Yes. He ordered it.  Q. He ordered it?  A. Yes.  Q. And it was delivered to him?  A. It was in the process of being 10:49:33 delivered to him.  Q. Who was delivering it to him?  A. Some kid Paul, I can't think of the last name, he has been mentioned a couple of times.  10:49:39  Q. Was this kid Paul a minor?  A. He was 20.  Q. He was delivering the beer to your

7 (Pages 827 to 830)

	<u> </u>	311	
	Page 831		Page 833
1	Hesse	1	Hesse
2	A. Correct.	2	knowledge?
3	Q. Okay, now, was the citation issued	3	A. He was.
4	to this Paul kid who was 20, or was the	4	Q. And how do you know that?
5	citation issued to the 21 year old in the 10:49:57	5	A. We checked his ID. 10:51:43
6	apartment?	6	
7	A. It was issued to the kid Paul who	7	Q. The plaintiffs then allege in the last sentence that Hesse later ordered that
		8	
8	was making the delivery.		Officer Lamm refrain from issuing citations on
9	Q. Okay, now, who issued the citation	9	enforcing the law against this youth.
10	to the kid making the delivery? 10:50:16	10	Since we now have two youths that 10:52:03
11	A. It was either Lamm or actually,	11	are being referenced in the story by you, did
12	no. It might have been John Dwyer. It was	12	you ever order Officer Lamm to refrain from
13	either John Dwyer, Kevin Lamm or Frank	13	issuing a citation or enforcing a law, any law
14	Fiorillo. Offhand I am not sure.	14	against this guy Paul?
15	Q. Now what communication if any did 10:50:27	15	A. No. 10:52:16
16	you have with regard to the kid Paul who was	16	Q. Same question with regard to the
17	making the delivery concerning the citation	17	21 year old that picked up the case of beer?
18	that was issued to him?	18	A. No.
19	A. I believe I was already in the	19	Q. In paragraph 56, please read
20	station house at my desk and they brought the 10:50:38	20	paragraph 56 and then tell me when you are 10:52:29
21	kid Paul into the station house to issue the	21	done?
22	summons. And he was complaining, you know, I	22	A. Okay.
	work for CJ's, I am making a delivery. Okay,	23	Q. Now let's look at the first
24	well, if that is the truth bring all your	24	sentence of paragraph 56. Here Snyder and
25	documentation to court and prove your case. I 10:50:51	25	Lamm are alleging that you advised the youths 10:53:06
	Page 832		Page 834
1	Hesse	1	Hesse
2	wasn't sure.	2	that were referenced in 54 and 55 I'm
3	Q. And that was the extent of your	3	sorry, in 55, that you advised these youths
4	communication with that kid Paul?	4	that Officer Lamm was a loser.
5	A. Yes. 10:51:00	5	Did you ever advise any youth that 10:53:23
6	Q. So the citation was issued?	6	Officer Lamm was a loser?
7	A. Yes.	7	A. No.
8	Q. And your advice to the kid was	8	Q. Did you ever advise any person
9	just prove your case in court?	9	that was issued a citation that Officer Lamm
10	A. Exactly. 10:51:07	10	was a loser? 10:53:34
11	Q. Now the plaintiffs then allege in	11	A. No.
12	55 that you returned the case of beer to the	12	Q. Did you ever advise these youths
13	under aged youth. Did you return the case of	13	that no one likes Lamm as Lamm alleged in 56?
14	beer to this kid Paul?	14	A. No.
15	A. No. 10:51:25	15	Q. Did you ever advise any individual 10:53:43
16	Q. Did you take the case of beer to	16	that was issued a citation that no one likes
17	the other kid who was 21 in the apartment?	17	Lamm?
18	A. No.	18	A. No.
19	Q. Do you have an understanding as to	19	Q. Did you ever advise any individual
20	what plaintiffs mean when they say that you 10:51:32	20	who was issued a citation that no one listens 10:53:55
21	returned the case of beer to the under aged	21	
22	youth?	22	•
23	A. The person who ordered it came and	23	A. No.
~	took it. He came and picked it up.	24	Q. Did you ever advise anybody
24	took it. The came and bicken it ub.		
24 25	Q. And he was 21 to the best of your 10:51:39	25	- •

8 (Pages 831 to 834)

	13	312	
	Page 835		Page 837
1	Hesse	1	Hesse
2	Did you ever advise any youth that	2	shifts in a row at the same location at
3	they should not listen to Officer Lamm's	3	Denhoff Walk and Bay Walk. Do you recall
4	lawful directives?	4	that?
5	A. No. 10:54:13	5	A. Correct. 10:56:55
		6	Q. Did that direction, putting
6	Q. Now please read 60 and 61 and tell		
7	me when you are done?	7	Fiorillo on the same shift for more than one
8	A. Okay.	8	night in a row have anything to do with the
9	Q. Now, 60 is referring to an	9	incident involving the Bosetti's throwing a
10	incident, if I am correct, involving a file 10:55:14	10	file cabinet in the water? 10:57:07
11	cabinet being thrown in by one or both of the	11	A. Nothing.
12	Bosetti's into the bay?	12	Q. Did you ever instruct Fiorillo on
13	A. Right.	13	any occasion that he was forbidden to move
14	Q. And I think you spoke about that	14	from any assigned post during all of the times
15	the last time, so I am not going to ask you 10:55:27	15	that he worked on the same shift you worked? 10:57:21
16	questions about that.	16	A. No.
17	61 now if I understand it	17	Q. Did you ever instruct any officer
18	correctly, tell me if your understanding is	18	during the time that you and Fiorillo worked
19	differently, that in response to whatever	19	on the same shifts that that officer was not
20	involvement Fiorillo was in this file cabinet 10:55:39	20	permitted to speak with Fiorillo? 10:57:37
21	incident, you ordered him to spend three	21	A. No.
22	consecutive shifts standing motionless beneath	22	Q. Paragraph 62 refers to an
23	a street like at the intersection of Denhoff	23	instruction by you to Fiorillo to wash the
24	Walk and Bay Walk.	24	fleet of Ocean Beach Police Department
25	Do you have the same understanding 10:55:53	25	vehicles before the end of his shift. 10:57:51
		-	
	Page 836		Page 838
1	Hesse	1	Hesse
2	of 61 as I have?	2	Did you ever instruct Fiorillo to
3	MR. CONNOLLY: Objection.	3	wash the fleet of Ocean Beach Police
4	A. He is trying to relate a couple of	4	Department vehicles before the end of his
5	different incidents into one. That one thing 10:56:01	5	shift? 10:58:00
6	had nothing to do with the other.	6	A. No.
7	Q. So when you say that one thing had	7	Q. How many vehicles are there in the
8	nothing to do with the other, you are saying	8	fleet of the Ocean Beach Police Department?
9	that whether Fiorillo spent three shifts	9	A. Then or now?
10	standing motionless underneath a light had 10:56:17	10	Q. How about before April 2006; 10:58:09
11	nothing to do with what occurred with the file	11	between the 2002 season and the 2005 season?
12	cabinet with the Bosetti's?	12	A. We had two Expeditions, we had two
13	MR. GOODSTADT: Objection.	13	little golf card G.E.M. cars, and I think that
14	MR. CONNOLLY: Objection.	14	was it.
15	A. That is correct. 10:56:24	15	Q. Did you ever instruct any of the 10:58:30
16	Q. Let's stay on 61. Did you ever	16	plaintiffs to ever wash the cars?
17	order Officer Fiorillo to spend three	17	A. I am sure I have over the years,
18	consecutive shifts standing motionless beneath	18	yes.
19	a street light at the intersection of Denhoff	19	Q. Have you ever instructed other
20	Walk and Bay Walk? 10:56:35	20	officers to wash the fleet of the Ocean Beach 10:58:39
21	A. No.	21	Police Department?
22		22	=
23	Q. I believe you did tell me at		A. I have done it myself, yes.
4.5	least, I don't know if you told Mr. Goodstadt	23	Q. And you have done it yourself?
	in response to his questions that you did	24	A Absolutaly
24 25	in response to his questions, that you did require Mr. Fiorillo to spend a number of 10:56:45	24 25	A. Absolutely. MR. NOVIKOFF: I have no further 10:59:03

9 (Pages 835 to 838)

	13	313	
	Page 839		Page 841
1	Hesse	1	Hesse
2	questions, thank you.	2	Q. Previously you testified that you
3	MR. CONNOLLY: I have no	3	dropped off paperwork. Do you recall what
4	questions.	4	documents if any you did deliver?
5	MR. BAPTISTE: Take a moment. 10:59:09	5	A. I believe I don't remember the 11:06:53
6	THE VIDEOGRAPHER: The time is 11	6	
		-	name of the document, but there were documents
7	o'clock. We are off the record.	7	that had to be filled out when a police
8	(Recess taken.)	8	officer has passed his qualifying exams, the
9	EXAMINATION BY	9	four exams. It has to be signed off on by
10	MR. BAPTISTE: 11:03:46	10	Civil Service so I can send to it the registry 11:07:09
11	THE VIDEOGRAPHER: The time is	11	of New York State.
12	11:06, we are on the record.	12	Q. At any time covered in this
13	Q. Good morning, Mr. Hesse, I just	13	complaint were you ever involved romantically
14	have a few questions.	14	with Ms. Sanchez?
15	A. Good morning. 11:05:19	15	A. Never. 11:07:24
16	Q. I believe earlier you testified	16	Q. How about outside the time of this
17	that actually do you know who Allison	17	complaint?
18	Sanchez is?	18	A. No.
19	A. Yes.	19	MR. BAPTISTE: No further
20	Q. Who do you know her to be? 11:05:29	20	questions. 11:07:32
21	A. She was an employee of Suffolk	21	MR. CONNOLLY: I have no
22	County Civil Service and I believe she was the	22	questions.
23	account manager for Ocean Beach, the	23	MR. GOODSTADT: I do.
24	incorporated village of.	24	EXAMINATION BY
25	Q. Could you describe any 11:05:45	25	MR. GOODSTADT: 11:07:44
	Page 840		Page 842
1	Hesse	1	Hesse
2	relationship that you had with Ms. Sanchez?	2	MR. CONNOLLY: You have had ten
3	MR. CONNOLLY: Objection.	3	hours, but that is fine. Go ahead, and
4	A. It was strictly professional.	4	if it becomes an issue I will deal with
5	MR. GOODSTADT: We have an 11:05:55	5	it. 11:08:07
6	agreement, just one objection	6	Q. Mr. Hesse, I just have some follow
7	MR. NOVIKOFF: Yes, one objection	7	up questions regarding some testimony that you
8	is for all.	8	have given in response to questions asked by
9	Q. During the time of covering this	9	the Ocean Beach defendant's attorney, as well
10	complaint have you ever met with Ms. Sanchez 11:06:07	10	as the County's attorney. 11:08:19
11	in a personal capacity?	11	You testified about your blogging
12	A. Well, I went to drop off some	12	after April 2nd, do you recall your testimony
13	paperwork to her once and we went to lunch.	13	last time?
14	But I would consider that a professional	14	MR. CONNOLLY: Objection.
15	meeting. 11:06:22	15	A. Just the fact that I made some 11:08:28
16	Q. When you say you went to lunch,	16	entries, yes.
17	you went to lunch in Suffolk County?	17	Q. You testified that you had not
18	A. Yes.	18	spoken with any trustee about your blog; is
19	Q. In Hauppauge?	19	that correct?
20	A. Yes. 11:06:28	20	MR. NOVIKOFF: Objection. 11:08:38
21	Q. Do you remember withdrawn.	21	MR. CONNOLLY: Objection. I don't
22	Do you recall what was discussed	22	recall there being any question in that
23	if anything during that lunch?	23	regard, although admittedly there have
24	A. Not really. It was just a lot of	24	been thousands of questions.
ı – -	·		A. Yes. I believe I was asked did I 11:08:51
25	small talk. Nothing about the job itself. 11:06:42	25	A Yes I helieve I was asked did I I I I I I I I I I I

10 (Pages 839 to 842)

Page 843 Page 845 1 Hesse 1 Hesse 2 discuss my blog entries with any trustee, no. 2 hear that from anybody other than for perhaps 3 Q. Sitting here today did you ever 3 your attorney or an attorney that represents discuss or have you spoken with any trustees 4 4 you? for the Village of Ocean Beach anything about 11:09:02 5 11:10:33 A. No. 6 your blog entries? 6 MR. NOVIKOFF: Just so the record 7 A. No. 7 is clear, I believe we can stipulate that 8 8 Q. Have you ever discussed or spoken within the last week we all have been 9 with any member of the board of trustees of 9 served by the Suffolk County supplemental the Village of Ocean Beach just the fact that 11:09:12 response to your interrogatory requests 10 10 vou have blogged? 11 11 concerning whether or not Ms. Sanchez 12 A. No. 12 posted any blogs, and in fact she did 13 Q. At the time that you blogged after 13 identify some blog entries. Just so to April 2, 2006 you were the top officer 14 14 put this question into context of what we 15 actively working for the Village of Ocean 15 11:09:24 received. 11:11:03 Beach; is that correct? 16 16 MR. GOODSTADT: Right, I just 17 A. Yes. 17 wanted to know if he had a conversation 18 Q. At that point in time you had the 18 with her -authority to hire and fire? 19 MR. NOVIKOFF: No, legitimate, I 19 20 A. Yes. 11:09:33 20 understand that. 11:11:08 21 Q. At that point in time you had the 21 Q. I want to go back to some authority to make and administer policy with 22 22 questions that Mr. Novikoff asked you about respect to the Police Department? 23 23 the Halloween incident? 24 A. Yes. 24 A. Uh-hum. 25 MR. NOVIKOFF: Note my objection 25 Q. Do you recall testifying in 11:11:19 Page 846 Page 844 1 Hesse 1 Hesse 2 2 to that question. response to Mr. Novikoff's questions about 3 3 Q. Have you ever spoken with or Halloween? 4 discussed your blog entries with Allison 4 A. Yes. 5 5 Sanchez? 11:09:50 Q. And he went through a series of 11:11:26 6 A. No. 6 the eyewitness statements that were taken in 7 7 Q. Has Ms. Sanchez ever spoken with connection with the Halloween incident, do you you or discussed with you any blog entries 8 recall that? 8 9 9 that she made? A. Yes. 11:09:57 10 A. No. 10 Q. Then he went through select 11:11:32 11 Q. Do you know whether Allison 11 portions of some eyewitness statements and had Sanchez has ever entered any post on the asked you whether you knew if this person, 12 12 13 13 meaning the eyewitnesss, had actually blogs? witnessed the part in which Mr. Bosetti used a MR. CONNOLLY: Does he know 14 14 15 personally --15 pool cue to strike someone, do you recall 11:11:49 11:10:05 16 Q. I am asking if he knows, not 16 that. necessarily actually witness her type it in, 17 MR. CONNOLLY: Objection to the 17 but has anyone ever told you? form. 18 18 19 A. I found out today that apparently 19 A. Yes. she may have made some blog entries. 20 20 11:10:16 Q. Do you recall testifying that in 11:11:53 Q. So prior to today you didn't know fact the witnesses that Mr. Novikoff asked you 21 21 22 that? 22 about, that you were not sure whether they 23 23 witnessed the point -- the time period where A. No. 24 24 Mr. Bosetti used the pool cue, do you recall Q. And I don't want to impede upon the attorney/client privilege, but did you 25 that? 11:10:24 11:12:10

11 (Pages 843 to 846)

Page 847 Page 849 1 1 Hesse Hesse 2 2 MR. CONNOLLY: Objection. A. No. 3 MR. NOVIKOFF: Objection. 3 Q. Well what other statements did you 4 A. Repeat that question. have with respect to a pool cue by the time 4 5 11:12:16 5 you made your conclusions within five days of 11:13:43 Q. Yes. 6 Mr. Novikoff walked you through 6 investigating the incident? 7 7 MR. CONNOLLY: Objection. certain witness statements, do you recall 8 Well, the dates -- I understand that? 8 9 A. Yes. 9 what you are saying, but Gary Bosetti himself 10 O. And there were the witness 11:12:23 10 admitted to using a pool cue. Q. But sir you testified that you 11 statements that Mr. Novikoff walked you 11 12 through that did not contain any allegation 12 didn't speak to Gary Bosetti during that five 13 of, or contain any statement with respect to 13 day period? 14 Mr. Bosetti using a pool cue. Do you recall 14 A. Correct. 15 **that?** 11:12:34 15 Q. So my question is during that five 11:14:00 16 16 day period the only witness statement that you A. Right. 17 17 had from anybody with respect to the use of a Q. Then he had asked you whether the 18 individuals that he walked you through, 18 pool cue was from the statements that the 19 whether they in fact told you that they even 19 on-duty officers took that evening; is that 20 eyewitnessed the incident in which Mr. Bosetti 11:12:42 20 correct? 11:14:15 21 used the pool cue, do you recall that? 21 A. Correct. 22 22 A. Yes. Q. And yet you still concluded that 23 Q. In fact he even asked you if they 23 Mr. Bosetti used proper force; correct? 24 had not witnessed it and they said something 24 A. Correct. 25 about it, and wrote something about it or gave 11:12:50 Q. Is it possible that all the other 11:14:24 Page 848 Page 850 Hesse 1 1 Hesse 2 2 you the statement, that in fact it would be statements that you got from all the other perjurious, correct, do you recall that? 3 eyewitnesses are correct, and yet Mr. Bosetti 4 MR. CONNOLLY: Objection. 4 still used excessive force with a pool cue? 5 5 11:12:57 MR. NOVIKOFF: Objection. 11:14:37 6 Q. And you said yes, it would be 6 MR. CONNOLLY: Objection. 7 7 A. I don't believe he used excessive perjurious? 8 A. Yes. 8 force. 9 9 Q. Let me ask you, in the five days Q. I understand what your conclusion that you took to reach a conclusion about what 11:13:01 10 is. I understand what your conclusion is that 11:14:46 10 11 happened at Halloween, did you speak to 11 you don't believe that he used excessive anybody who witnessed the incident in which 12 force. My question to you is on the day that 12 Mr. Bosetti used a pool cue to strike 13 13 you reached the conclusion five days after you somebody? 14 started the investigation, is it possible that 14 15 MR. NOVIKOFF: Note my objection. 11:13:15 15 all the eyewitness statements that you 11:14:59 16 MR. CONNOLLY: Objection. 16 received from all the people who didn't 17 A. I believe no. 17 mention anything about a pool cue, is it 18 Q. And yet you still reached a 18 possible that even if that -- those statements 19 conclusion that Mr. Bosetti acted with 19 were correct and accurate, that Mr. Bosetti 20 20 appropriate force; is that correct? 11:13:23 still could have used excessive force with the 11:15:11 21 A. Correct. 21 pool cue? 22 22 Q. And yet the only statement that MR. NOVIKOFF: Objection to the you had in writing, verbally or otherwise 23 form because the eyewitness statements I 23 about the use of a pool cue was the statements 24 presume you are including are those of that the on-duty officers took; correct? 11:13:37 25 the alleged victims. 11:15:23

12 (Pages 847 to 850)

	13	316	
	Page 851		Page 853
1	Hesse	1	Hesse
2	Q. Yes.	2	Q. That is not the question. The
3	A. Yes. They mentioned the pool cue.	3	question was at the time that you reached your
4	I never doubted that a pool cue was used.	4	conclusion you had not taken a single
5	Q. I understand that. But how did 11:15:29	5	statement from a witness who told you that 11:17:00
6	you reach the conclusion that Mr. Bosetti had	6	they actually witnessed Mr. Bosetti use the
7	not used excessive force within the five days	7	pool cue?
8	of starting the investigation when the only	8	MR. NOVIKOFF: Objection.
9	statement that you had about the use of a pool	9	MR. CONNOLLY: Objection.
10	cue came from the victims of the who were 11:15:44	10	A. I didn't have to take statements, 11:17:07
11	struck by the pool cue in which they were	11	there were three of them there.
12	alleging excessive force?	12	MR. CONNOLLY: Simple yes or no
13	MR. NOVIKOFF: Objection.	13	though.
14	MR. CONNOLLY: Objection.	14	A. I did not, no.
15	A. Well there was three of them, and 11:15:52	15	Q. Do you know whether Mr. Cherry 11:17:14
16	the way I felt they were attacking the police	16	took any statements from any individual who
17	officer at that point. So I do not believe it	17	witnessed Mr. Bosetti use the pool cue?
18	to be excessive.	18	A. No.
19	Q. Is it possible that a police	19	Q. You don't know or he didn't?
20	officer could be attacked by a civilian and 11:16:03	20	A. I believe it is no. 11:17:23
21	the police officer still use excessive force?	21	MR. CONNOLLY: Why don't you break
22	MR. CONNOLLY: Objection.	22	down the question.
23	MR. NOVIKOFF: Objection. Maybe	23	Q. Did Mr. Cherry
24	if they were midgets.	24	MR. CONNOLLY: And by the way I
25	A. You are speculating about 11:16:14	25	believe he has been asked this. 11:17:34
	Page 852		Page 854
1	Hesse	1	Hesse
2	something that may or may not happen somewhere	2	Q. Did Mr. Cherry take any statements
3	in the world, I don't know, yes.	3	from any eyewitness who actually saw Gary
4	MR. CONNOLLY: So the answer to	4	Bosetti use a pool cue to strike somebody?
5	counsel's question regarding 11:16:25	5	MR. NOVIKOFF: Objection. 11:17:43
6	possibilities, is it possible.	6	MR. CONNOLLY: Objection.
7	A. Yes, why not.	7	A. No.
8	Q. And is it possible that Gary	8	Q. I believe you testified that you
9	Bosetti used excessive force, even taking all	9	heard some rumors that the plaintiffs thought
10	the witness statements as true, at that point 11:16:31	10	that there was a cover-up. Do you recall 11:18:12
11	in time is it possible in your mind that Gary	11	testifying to that?
12	Bosetti used excessive force with that pool	12	A. Yes.
13	cue?	13	Q. What rumors did you hear?
14	MR. CONNOLLY: Objection.	14	A. That there was a cover-up.
15	MR. NOVIKOFF: Objection. 11:16:39	15	Q. Who did you hear the rumors from? 11:18:21
16	A. That was the point of the	16	A. I don't recall.
17	investigation, to get to the bottom of that.	17	Q. When did you hear the rumors?
18	Q. And yet you didn't speak to a	18	A. I don't recall that either.
19	single person and you didn't take a single	19	Q. Do you recall what year it was?
20	statement from anybody who actually witnessed 11:16:47	20	A. It was probably in 2004. 11:18:29
21	Mr. Bosetti use the pool cue; is that correct?	21	Q. Do you recall what the rumors
22	MR. NOVIKOFF: Objection.	22	were?
23	MR. CONNOLLY: Objection.	23	MR. CONNOLLY: Objection.
24	A. Their statements are their	24	A. Not specifically, no.
25	statements. 11:16:54	25	Q. How about generally? 11:18:38

13 (Pages 851 to 854)

r	13	317	
	Page 855		Page 857
1	Hesse	1	Hesse
2	A. Generally that we were covering up	2	And what he meant by that I don't know.
3	to save Gary Bosetti.	3	Q. But that is something that he said
4	Q. And do you recall any of the	4	to you directly; correct?
5	plaintiffs in which you heard the rumor that 11:18:51	5	A. You know, yes. 11:20:28
6	were strike that.	6	Q. I am talking now about the rumors,
7	As part of these rumors do you	7	I am not talking about someone made the
8	recall any of the plaintiffs who were alleging	8	allegation to you directly. You testified to
9	that you were covering up the Halloween	9	rumors. I want to know what rumors you are
10	incident to save Gary Bosetti? 11:19:09	10	referring to? 11:20:36
11	MR. NOVIKOFF: Objection.	11	MR. NOVIKOFF: Objection.
12	MR. CONNOLLY: Objection.	12	MR. CONNOLLY: Objection.
13	A. You are going to have to rephrase	13	A. They were just rumors just like
14	that or something.	14	any other rumor, how do they get around. Word
15	Q. Which plaintiffs were the ones 11:19:16	15	of mouth. I don't know. 11:20:43
16 17	that you heard rumors about that were alleging	16 17	<ul><li>Q. Who did you hear the rumors from?</li><li>A. I don't recall.</li></ul>
18	there to be a cover-up?  MR. CONNOLLY: Objection.	18	
19	MR. NOVIKOFF: Objection.	19	MR. CONNOLLY: Objection. He indicated he doesn't know.
20	MR. CONNOLLY: There has not been 11:19:27	20	
21	any testimony in that regard.	21	Q. Did you respond to the rumors? 11:20:50 A. Not that I recall.
22	MR. GOODSTADT: I think I led off	22	Q. Did you ever speak with any of the
23	the question by saying rumors	23	plaintiffs about these rumors?
24	MR. CONNOLLY: I think you made a	24	A. Not specifically, no.
25	generalization that there were rumors, I 11:19:35	25	Q. Did you ever speak with strike 11:20:59
	Page 856		Page 858
1	Hesse	1	Hesse
2	don't think you specifically said	2	that.
3	Q. Did you hear a rumor that the	3	Did you ever speak to them
4	plaintiffs were claiming that there was an	4	generally about the fact that there was an
5	allegation of cover-up? 11:19:42	5	allegation of a cover-up, other than for the 11:21:04
6	A. I heard rumors, yes. I don't	6	conversation you had with Lamm about sweeping
8	recall specifically coming from them, but you know I could speculate and say yes, but I	8	under the rug? MR. NOVIKOFF: Objection.
9	don't know.	9	A. No.
10	Q. I am not saying that you actually 11:19:53	10	Q. How come; why didn't you address 11:21:12
11	heard the rumors from them. I am talking	11	it with them when you heard these rumors?
12	about whether you heard rumors that it was the	12	MR. CONNOLLY: Objection.
13	plaintiffs who were the ones that were stating	13	MR. NOVIKOFF: Objection.
14	that there was a cover-up?	14	A. Well because I heard the rumors I
15	A. I believe so. 11:20:03	15	did speak to them individually, but not about 11:21:21
16	Q. Which plaintiffs?	16	the rumors. Like I stated I think the last
17	A. I don't know.	17	time I was here that I sat down with each one
18	Q. Do you recall any of the	18	of them with the actual file for the whole
19	plaintiffs that you heard were claiming that	19	Halloween incident and I said read it, you
20	there was a cover-up to save Gary Bosetti? 11:20:10	20	tell me what you see here. 11:21:35
21	A. I believe I did state in one of	21	Kevin Lamm like I said refused to
22	the other three days that I was here that	22	read it. Fiorillo read through it and he
23	Kevin Lamm had mentioned something about	23	thought it was good at the time. And Snyder
24	sweeping this under the carpet, or another situation of sweeping this under the carpet. 11:20:21	24 25	said that wow, I didn't know that, I didn't know that, I didn't know that. And he read 11:21:50
25			

14 (Pages 855 to 858)

	13	318	
	Page 859		Page 861
1	Hesse	1	Hesse
2	through it and he thought it was good.	2	chat with him about it.
3	MR. GOODSTADT: I think we have an	3	Q. Tell me what you recall being
4	agreement that I don't have to move to	4	stated during that chat?
5	strike at this time? 11:21:59	5	A. I told him what I guess both sides 11:24:01
6	MR. NOVIKOFF: No, not at all.	6	were feeling, Gary and Richie, and then three
7	Q. I will re-ask the question.	7	of the plaintiffs, Fiorillo, Lamm and Snyder
8	The question is why didn't you	8	specifically. And I thought it would be a
		9	
9	raise the rumors that you heard with the plaintiffs? 11:22:06	10	good idea that we get the group together and
10	±	11	we hash it out. He refused to do so, he chose 11:24:16 not to do it.
	A. I didn't see there was a point.		
12	Q. Did you ever speak with Gary	12	Q. The chief chose not to do it?
13	Bosetti about the rumors?	13	A. Correct.
14	A. Not specifically, no.	14	Q. Did he tell you why?
15	Q. How about generally did you ever 11:22:15	15	A. No. 11:24:25
16	speak with him about the rumors?	16	Q. You testified about the District
17	A. I think there was some complaints	17	Attorney's involvement in the Halloween
18	on his behalf that he felt that, you know,	18	incident, do you recall that?
19	that these guys were bad mouthing him saying	19	A. Yes.
20	that there were cover-ups. And I did tell 11:22:29	20	Q. You testified that Mallory 11:24:38
21	Gary that, you know, I didn't believe his	21	Sullivan reviewed it, do you recall that?
22	allegation that they were trying to hurt him	22	A. Yes.
23	or anything else. I just investigated what I	23	Q. Did anyone in the DA's office
24	had. Took what I had. Presented it to the DA	24	conduct an independent investigation to your
25	and that was it. 11:22:42	25	knowledge? 11:24:54
	Page 860		Page 862
1		1	
	Hesse		Hesse
2	Hesse <b>Q. So Gary Bosetti made an allegation</b>	2	Hesse MR. NOVIKOFF: Objection.
2	Hesse Q. So Gary Bosetti made an allegation that he thought that the plaintiffs were	2 3	Hesse MR. NOVIKOFF: Objection. MR. CONNOLLY: Objection.
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15 (Pages 859 to 862)

	<u> 13</u>	319	
	Page 863		Page 865
1	Hesse	1	Hesse
2	MR. CONNOLLY: Objection.	2	Q. Did you write them up at all?
3	A. I wouldn't know. I think the	3	A. No.
4	court would have responded to that.	4	Q. Did you tell anybody else that
5	Q. So you don't know? 11:25:44	5	they had violated your instruction with 11:27:14
6	A. I don't know.	6	respect to the station house bail?
7	Q. How do you know that they actually	7	A. I don't recall if I did.
8	received discovery?	8	Q. Do you recall what year it was
9	A. I think we had a discovery demand,	9	that they allegedly disobeyed your order?
10	but specifically I don't know. 11:25:53	10	MR. CONNOLLY: Objection. 11:27:26
11	Q. You were involved with responding	11	A. I believe it was in a short
12	to the demand?	12	timeframe, so it would have been close to when
13	A. You know I don't recall.	13	they did it the first time.
14	Q. Then you testified that you were	14	Q. 2005?
15	upset that Fiorillo and Lamm went to Judge 11:26:13	15	A. Yes. 11:27:34
16	Russell with respect to the station house bail	16	Q. Was that during the season or
17	issue, do you recall that?	17	off-season?
18	A. Yes.	18	A. It would be during the season.
19	Q. Why were you upset that they went	19	Q. Did you ever speak with Judge
20	to Judge Russell? 11:26:23	20	Russell about the station house bail issue? 11:27:42
21	A. They went outside the confines of	21	A. I don't believe so.
22	the Police Department to get information about	22	Q. Did you ever speak with any member
23	Police Department to get information about	23	of the board of trustees about the station
24	Q. So outside of the chain of	24	house bail issue?
25	command? 11:26:32	25	A. No. 11:27:52
		23	
	Page 864		Page 866
1	Hesse	1	Hesse
2	A. Absolutely.	2	Q. Did you ever speak with the mayor
3	Q. Do you recall when that incident	3	about the station house bail issue?
4	was?	4	A. No.
5	A. Specifically no. 11:26:34	5	Q. The mayor at the time was 11:27:56
6	Q. Do you recall what year it was?	6	Ms. Rogers?
7	A. May have been 2005.	7	A. Yes.
8	Q. Do you recall when in 2005?	8	Q. You testified last time in
9	A. No.	9	response to Mr. Novikoff's questions about
10	Q. Did you discipline them for going 11:26:48	10	instructing officers to drive other off-duty 11:28:12
11	outside the chain of command?	11	officers at the end of their shift, do you
12	A. I talked to them.	12	recall that?
13	MR. CONNOLLY: Objection.	13	A. Yes.
14	Q. Did you memorialize your talk with	14	Q. Did you ever instruct any officers
15	them or any other discipline? 11:26:58	15	to drive off-duty officers out to the 11:28:23
16	A. No.	16	checkpoint when it was not the end of their
17	Q. You testified that they had done	17	shift?
18	it again after you spoke with them; is that	18	MR. NOVIKOFF: Objection, form,
19	correct?	19	and I think we actually covered this
20	A. Yes. 11:27:05	20	through your in your original direct 11:28:33
21	Q. Did you discipline them for doing	21	examination.
22	that?	22	MR. GOODSTADT: Right, but I was
23	MR. CONNOLLY: Objection.	23	not sure what his response meant to your
24	A. I counseled them, I had a talk	24	question about yes, I instructed them to
25	with them. 11:27:10	25	do it at the end of their shift. 11:28:45

16 (Pages 863 to 866)

	13	320	
	Page 867		Page 869
1	Hesse	1	Hesse
2	MR. NOVIKOFF: What is confusing	2	complain to you about doing that?
3	about that response?	3	A. Never.
4	Q. Was it as their shift ended or was	4	Q. Do you believe it was appropriate
5	it at some point later than that in which you 11:28:53	5	for the on-duty officers to drive off-duty 11:30:21
6	instructed the officers to drive the off-duty	6	officers to the checkpoint after they got out
7	officers to the checkpoint?	7	of the bars?
8	MR. NOVIKOFF: Objection.	8	MR. NOVIKOFF: Objection.
9	MR. CONNOLLY: A point later	9	MR. CONNOLLY: Objection.
10	meaning 11:29:06	10	A. Yes. 11:30:28
11	MR. GOODSTADT: A couple of hours	11	Q. How many officers were on duty
12	later.	12	generally on the weekends between 2 in the
13		13	morning and 6 in the morning?
	MR. CONNOLLY: When they were off		MR. CONNOLLY: What years?
14	duty? MR. GOODSTADT: Yes. 11:29:13	14	· · · · · · · · · · · · · · · · · · ·
16		15	Q. Between 2003 and 2005; the seasons 11:30:48
	MR. CONNOLLY: So instructing	16	of '03 to '05?
17	off-duty officers	17	A. They would not change much between
18	MR. GOODSTADT: Instructing	18	the years. There could be well, between 2
19	on-duty officers to drive off-duty	19	and 4 normally there would be close to eight
20	officers to the checkpoint. 11:29:17	20	officers, and usually minimum staffing we 11:31:02
21	MR. CONNOLLY: Meaning making	21	would have four to five officers between those
22	reference to several hours later after	22	time frames.
23	the officers who were driven got off the	23	Q. How about between 4 and 6 in the
24	shift?	24	morning?
25	MR. GOODSTADT: The off-duty 11:29:26	25	A. 4 and 6 in the morning, usually a 11:31:17
	Page 868		Page 870
1	Page 868 Hesse	1	Page 870 <b>Hesse</b>
1 2		1 2	
	Hesse		Hesse
2	Hesse officers, yes, several hours after their	2	Hesse tour would end at 4 o'clock and two or three
2	Hesse officers, yes, several hours after their becoming off duty.	2 3	Hesse tour would end at 4 o'clock and two or three officers would go off duty. And then from the
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17 (Pages 867 to 870)

	13	321	
	Page 871		Page 873
1	Hesse	1	Hesse
2	whether Mr. Loeffler had known that you had	2	A. Specifically I don't remember the
3	not passed your sergeant's test?	3	year, but we used to go through the whole
4	MR. CONNOLLY: Objection.	4	summer with absolutely no bike riding any time
5	A. Yes. 11:32:38	5	day or night. Now they changed it to where 11:34:15
6	Q. He knew that?	6	you can ride between certain times and certain
7	A. Yes.	7	days.
8	Q. Did you speak to him about that at	8	Q. Do you recall when they made that
9	that time?	9	change?
10	A. I don't remember specifically 11:32:43	10	A. Not specifically, no. 11:34:23
11	about that time, but I have spoken to him	11	Q. Was it before or after the
12	about it.	12	plaintiffs were terminated?
13	Q. How about prior to the decision by	13	MR. CONNOLLY: Objection.
14	the board of trustees to promote you to deputy	14	A. I believe it was before.
15	chief or acting deputy chief, had you spoken 11:32:52	15	MR. NOVIKOFF: Same agreement on 11:34:32
16	with Mr. Loeffler or anybody else on the board	16	use of the word?
17	of trustees about the fact that you had not	17	MR. GOODSTADT: Yes.
18	passed the sergeant's exam?	18	MR. NOVIKOFF: Got it.
19	MR. CONNOLLY: Objection.	19	Q. I believe you testified last time
20	A. I may have talked to Joe Loeffler 11:33:02	20	about Kevin Lamm conducting an illegal search 11:34:46
21	about it previous. I don't know about anybody	21	and seizure, do you recall that?
22	else on the board.	22	MR. CONNOLLY: Objection. Last
23	Q. Do you recall the sum and	23	time when
24	substance of any of those conversations?	24	Q. In response to Mr. Novikoff's
25	A. No, not specifically. No. 11:33:12	25	questions? 11:35:01
_			
	Page 872		Page 874
1	Hesse	1	Hesse
2	Q. How about generally?	2	A. Specifically no, I don't recall.
3	A. No, not really.	3	Q. Do you recall Kevin Lamm ever
4	Q. And you are sure that was late	4	conducting an illegal search and seizure?
5	December that you learned of the board's 11:33:24	5	A. Yes. Are we talking about when he 11:35:11
6	intent to promote you that next January?	6	put some guys in handcuffs or are we talking
7	MR. CONNOLLY: Objection.	7	about when he went into CJ's; you got to give
8	A. I believe so.	8	me a little more specific.
9	Q. You testified about I think you	9	Q. Well I am asking do you believe
10	called it Officer Fiorillo's or Officer Lamm's 11:33:39	10	that Mr. Lamm ever conducted an illegal search 11:35:24
11	discretion in writing summonses, do you recall	11	and seizure?
12	that?	12	A. Yes.
13	A. Uh-hum.	13	Q. How many times?
14	Q. And you mentioned something about,	14	A. I don't know. A couple of
15	I think your quote was silly laws regarding 11:33:49	15	incidents off the top of my head, maybe three 11:35:29
16	bike riding in the village, do you recall	16	or four times that I know of.
17	that?	17	Q. Did you ever discipline him for
18	A. Yes.	18	doing that?
19	Q. Did you ever petition the board to	19	A. Yes.
20	change the law with respect to bike riding? 11:33:57	20	Q. How did you discipline him? 11:35:38
21	A. Actually I never petitioned it,	21	A. Verbally.
22	but they have changed the laws a little bit	22	Q. Did you ever do anything in
		122	iting?
23	here and there. They augmented them.	23	writing?
23 24	here and there. They augmented them.  Q. When did they change the laws with	24	A. No.
23			<u> </u>

18 (Pages 871 to 874)

1 Hesse 2 him verbally? 3 A. Off the top of my head maybe twice. 5 Q. What was his response? 11:35:49 6 A. He said he will never do it again. 7 Q. Did you ever investigate whether he actually committed an illegal search and seizure? 10 MR. NOVIKOFF: Objection. 11:36:05 11 A. One of them the complaint was actually made by Tommy Snyder verbally to me, and the other one I witnessed myself. 4 Q. How come you never wrote him up for the illegal search and seizure? 11:36:19 16 MR. NOVIKOFF: Objection. 17 A. He was counseled verbally. I didn't need to put it in writing. 19 Q. Why not? 20 MR. CONNOLLY: Objection. 11:36:30 21 A. I didn't believe I had to. 22 Q. Did you make a blotter entry? 24 and seizure? 11:36:30 25 MR. NOVIKOFF: Objection. 11:36:30 26 MR. NOVIKOFF: Objection. 11:36:30 27 MR. CONNOLLY: Objection. 11:36:30 28 MR. CONNOLLY: Objection. 11:36:30 29 A. I and he chose not to. So he just 11:37:31 30 MR. NOVIKOFF: Objection. 12:36:19 40 MR. NOVIKOFF: Objection. 12:36:19 41 MR. NOVIKOFF: Objection. 11:36:30 42 A. J was a blotter entry? 11:36:19 43 MR. NOVIKOFF: Objection. 11:36:30 44 MR. NOVIKOFF: Objection. 11:36:30 45 MR. NOVIKOFF: Objection. 11:36:30 46 MR. NOVIKOFF: Objection. 11:36:30 47 MR. CONNOLLY: Objection. 11:36:19 48 MR. NOVIKOFF: Objection. 11:36:30 49 MR. CONNOLLY: Objection. 11:36:19 40 MR. NOVIKOFF: Objection. 11:36:19 41 MR. NOVIKOFF: Objection. 11:36:30 42 MR. CONNOLLY: Objection. 11:36:30 43 MR. CONNOLLY: Objection. 11:36:19 44 MR. NOVIKOFF: Objection. 11:36:19 45 MR. NOVIKOFF: Objection. 11:36:19 46 MR. NOVIKOFF: Objection. 11:36:19 47 MR. CONNOLLY: Objection. 11:36:19 48 MR. NOVIKOFF: Objection. 11:36:19 49 MR. CONNOLLY: Objection. 11:36:19 40 MR. NOVIKOFF: Objection. 11:36:19 41 MR. NOVIKOFF: Objection. 11:36:30 41 MR. NOVIKOFF: Objection. 11:36:30 42 MR. CONNOLLY: Objection. 11:36:30 43 MR. NOVIKOFF: Objection. 11:36:30 44 MR. NOVIKOFF: Objection. 11:36:30 45 MR. NOVIKOFF: Objection. 11:36:30 46 MR. NOVIKOFF: Objection. 11:36:30 47 MR. CONNOLLY: Objection. 11:36:30 48 MR. NOVIKOFF: Object	:40 7:54 <b>38:00</b>
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1 Hesse 2 did or not.  1 Hesse 2 Police Department or a police officer.	38:12
2 did or not. 2 Police Department or a police officer.	878
2 did or not. 2 Police Department or a police officer.	
3 O. Did any civilian ever complain 3 O. Have you ever discussed with	
Q. ==== you over some	
4 that Mr. Lamm engaged in an illegal search and 5 seizure? 4 Paradiso your allegation that Mr. Lamm engaged 5 in an unlawful search or seizure? 11:36:43 5 in an unlawful search or seizure? 11:38:2	
6 A. Yes. 6 MR. NOVIKOFF: Objection.	1
7 Q. In writing? 7 MR. CONNOLLY: Objection.	
	20.26
	38:36
1 0	
<b>6.</b> — 1 <b> 7</b> • 1 • 1 • 1 • 1 • 1 • 1 • 1 • 1 • 1 •	
17 believe Caleb came to see me in the days 18 preceding Tommy telling me. So I asked him 19 duty? 10 of trustees that Ed Carter was sleeping on lawy.	
22 A. He was a bartender for a year or 22 sleeping on duty?	
23 two. 23 A. No.	
23 two. 24 Q. Did you strike that. 23 A. No. 24 Q. So let me understand. Mr. Carter	8:59

19 (Pages 875 to 878)

	13	323	
	Page 879		Page 881
1	Hesse	1	Hesse
2	police officer; is that correct?	2	involvement in Halloween, you also mentioned
3	A. That is correct.	3	that the judge had to sign off on your
4		4	investigation before the arrests were made; is
	Q. Do you consider that stealing time	5	
5	from the department or from the village? 11:39:06		that correct? 11:41:19
6	MR. CONNOLLY: Objection.	6	MR. CONNOLLY: Objection.
7	A. You could look at it that way,	7	A. I don't specifically think that
8	yes.	8	the judge has to sign off on an investigation.
9	Q. I am asking whether you looked at	9	No, I don't remember saying that.
10	it that way? 11:39:13	10	Q. Did the judge have to sign off 11:41:25
11	A. I didn't at the time, no.	11	before an arrest is made?
12	Q. You didn't look at it as he was	12	A. No. I think you are
13	stealing time while he was sleeping?	13	mis-understanding what the judge signed off
14	A. No.	14	on.
15	Q. Did you view it as he was stealing 11:39:20	15	Q. What did the judge sign off on? 11:41:34
16	money while being paid for sleeping?	16	A. The criminal summonses to be sent
17	MR. NOVIKOFF: Objection. Isn't	17	to the alleged defendants.
18	this beyond	18	Q. And the judge signed off on the
19	MR. GOODSTADT: It is an	19	criminal summonses that were sent to
20	allegation as to why he was terminated. 11:39:34	20	Mr. Schalik and Mr. Van Koot? 11:41:49
21	MR. NOVIKOFF: Putting aside the	21	A. I believe so. That is a court
22	fact that you had ten hours, and I can't	22	document, it is done with the court.
23	speak for Kevin, but I think this is	23	Q. Was that same process of the court
24	improper. Isn't this beyond the scope of	24	signing off on the summons performed in the
25	any questions that I asked? 11:39:44	25	Sam Gilbert matter when he was arrested? 11:42:01
	Page 880		Page 882
1	Hesse	1	Hesse
2	MR. GOODSTADT: I don't think so.	2	MR. CONNOLLY: Objection.
3	MR. NOVIKOFF: If I went into the	3	A. Correct, yes.
4	issue of why he was terminated	4	Q. How about the DA's involvement
5	MR. GOODSTADT: Which you did. 11:39:52	5	that you testified to with respect to the 11:42:12
6	MR. NOVIKOFF: Okay, you can ask	6	Halloween incident, did the DA have a similar
7	him about those reasons.	7	involvement with respect to the Sam Gilbert
8	MR. GOODSTADT: I am.	8	matter?
9	MR. NOVIKOFF: But now you are	9	MR. CONNOLLY: Objection.
10	going into questions about why he didn't 11:39:59	10	A. Yes. 11:42:18
11	report certain things to certain people.	11	Q. Has the judge ever strike that.
12	MR. GOODSTADT: I didn't think	12	Has the judge in Ocean Beach ever
13	I believe the reasons are not true, so I	13	refused to sign a criminal summons that you
14	can question him about it.	14	brought to the judge to sign?
15	MR. NOVIKOFF: Okay. 11:40:10	15	A. Not that I am aware of, no, never. 11:42:34
16	MR. GOODSTADT: Just as I can	16	MR. CONNOLLY: Objection.
17	question him at trial about it if it is	17	ů .
18	•		C. J
19	raised. Go back to the last question.	18	statement that you made with respect to Mr.
	(Record read.)	19	Fiorillo's investigation of the Halloween
20	MR. CONNOLLY: Objection. 11:40:41	20	incident. I believe in response to one of 11:42:53
21	A. I never looked at it that way, no.	21	Mr. Novikoff's questions you testified that it
22	Q. Just to go back to the DA's	22	was a poorly done investigation because he was
23	investigation of the Halloween incident, did	23	not aggressive enough to go back into the bar
24	the DA strike that.	24	to get statements, do you recall that?
25	Before we get to the DA's 11:41:05	25	A. Not specifically, but yes. 11:43:07

20 (Pages 879 to 882)

Page 883 Page 885 1 Hesse 1 Hesse 2 Q. But you believe that he was not 2 would talk to you guys during your shitty 3 aggressive enough to go back into the bar to 3 investigation. Everyone hates you. get statements? 4 Everyone knew that you were a rat. 5 5 I think that that is exactly in A. I think that he could have been a 11:43:16 11:46:46 6 little more aggressive at speaking to people, 6 response to, or at least contradicts what 7 7 he has testified to in response to 8 8 Q. Do you believe that the on-duty Mr. Novikoff. 9 officers that didn't get statements from other 9 MR. NOVIKOFF: So obviously people because they were not aggressive 10 Mr. Hesse has properly identified that he 11:47:00 10 11:43:23 was the author of the blog presumably 11 enough? 11 12 MR. CONNOLLY: Objection. 12 based upon the interrogatory. His 13 A. Yes. testimony is what it is. His blog says 13 14 MR. GOODSTADT: Would you mark 14 what it says. I am trying -- I am now trying to figure out the purpose of going 11:47:12 15 this document, blog posting, Bates 11:43:43 15 16 numbers P 962 to P 1265, Hesse Exhibit 16 through the blog. 17 MR. CONNOLLY: It is duplicative. 17 18 (Hesse Exhibit 30, blog posting, P 18 MR. GOODSTADT: It is not 19 962 to P 1265, marked for 19 duplicative. It contradicts his 20 20 testimony. That is exactly what redirect 11:47:27 identification, as of this date.) 11:44:40 21 Q. I placed in front of Mr. Hesse 21 is for. 22 what has now been marked as Hesse Exhibit 30, 22 MR. NOVIKOFF: Me and Mr. Connolly multiple page exhibit bearing Bates number P 23 23 have different beliefs apparently as to 962 to P 1265. 24 24 your ten hours and what it was for. So I 25 MR. CONNOLLY: I have 64. 11:45:03 25 can't tell Mr. Hesse not to answer the 11:47:40 Page 886 Page 884 1 1 Hesse Hesse 2 2 MR. GOODSTADT: It goes to the question. 3 3 back of that page. MR. CONNOLLY: I think it is --4 Q. Could you turn to page P 970, post 4 MR. GOODSTADT: Also another basis 5 number 22. Are you there? 5 is that he testified that in response to 11:47:46 11:45:29 6 6 his threats that my clients would never A. Yes. 7 Q. Why don't you take a second to 7 get another job in law enforcement, that 8 read that post? 8 he never took any steps to prevent them MR. CONNOLLY: I am objecting to 9 9 from getting another job in law any questioning regarding the postings. enforcement, and I think that statements 11:48:01 10 10 You need to explain as to how they were 11 11 on a blog where a community in law 12 delved into on questioning by the village 12 enforcement is reading it is a step. 13 attorney or the county attorney. It is 13 MR. NOVIKOFF: Well on that note, beyond the scope of redirect. 14 14 Andrew, I think it would be, putting 15 MR. GOODSTADT: First of all with 11:46:07 15 aside the ten hours, we get past that 11:48:10 16 respect to this post he has testified in 16 issue, I think the question would be 17 response to questions by the beach's 17 appropriate that you would ask him since 18 attorney that he believed that the 18 he has admitted writing certain things on 19 officers didn't go inside to get -- or 19 the blog, in sum and substance do you 20 didn't appropriately go inside to get 20 agree with the proposition that writing 11:48:24 11:46:21 something on the blog that was not nice witness statements because they were not 21 21 22 aggressive enough. 22 to your clients would be harmful to their 23 This post clearly indicates that 23 getting jobs in the future; that is a 24 do you ever wonder why no one would talk 24 very general question which would be 25 to you -- did you ever notice why no one 11:46:36 25 responsive to that statement. 11:48:34

21 (Pages 883 to 886)

		325	
	Page 887		Page 889
1	Hesse	1	Hesse
2	And I think there could be posed	2	examination he certainly could have.
3	other general questions that would be	3	MR. GOODSTADT: That is just not
4	responsive as opposed to going into	4	true.
5	certain blogs and each and every blog and 11:48:41	5	MR. NOVIKOFF: I am just 11:50:44
6	going through it. That is my position,	6	objecting. I can't tell you not to do
7	but it is Kevin's witness, so	7	anything.
8	MR. GOODSTADT: But in that case,	8	MR. GOODSTADT: We had these
9	and I don't know what the answer to that	9	discussions off the record about the
10	question 11:48:55	10	positions on that. That is not true. 11:50:52
11	MR. NOVIKOFF: The answer would be	11	MR. NOVIKOFF: Judge Boyle has
12	what it is and you would go from there.	12	issued whatever he has issued in terms of
13	MR. GOODSTADT: But assuming he	13	the amount of the deposition. Mr.
14	says that posting something negative or	14	Goodstadt has taken those ten hours. My
15	calling a police officer a rat and 11:49:02	15	position is that is all he was entitled 11:51:05
16	telling them that they did a shitty	16	to. But Mr. Hesse is not my witness so I
17	investigation in a forum in which other	17	can't, other than killing trees with my
18	people in the police community would be	18	speech, I can't do anything about it.
19	reading it may affect their ability to	19	So it is between Kevin and Mr.
20	get another job, and I want to be able to 11:49:15	20	Goodstadt to decide what they want to do 11:51:21
21	ask which ones he thinks would affect	21	with this, and that will be the last that
22	their ability to get another job.	22	I speak on this issue.
23	MR. CONNOLLY: I will allow	23	MR. GOODSTADT: Certainly this
24	general questions, general questions. We	24	question about directly contradicting
25	are not going through the blogs piece by 11:49:41	25	testimony that he has already given, you 11:51:38
	Page 888		Page 890
	-		
1	Hesse	1	Hesse
2	piece.	2	can let me ask with respect to that, and
3	MR. GOODSTADT: I don't see why	3	then when we get to the other questions
4	not, I mean the door is open.	4	we can narrow them down.
5	MR. CONNOLLY: I disagree with 11:49:41	5	MR. CONNOLLY: And it is your 11:51:52
6	that. I disagree that I still have	6	position that it contradicts what?
7	problems with the fact that you believe	7	MR. GOODSTADT: His testimony that
8	the door was opened, I don't think it	8	the reason why they didn't get other
9	Was.	9	statements was because they were not
10	MR. GOODSTADT: I want to ask 11:49:54	10	aggressive enough. Here it says nobody 11:52:30
11	questions and see how open the door is.	11	wants to speak to you because everybody
12	MR. NOVIKOFF: I don't know if a	12	hates you.
13	codefendant asks the question of another	13	MR. CONNOLLY: I don't think that
14	party, how that opens the door, presuming	14	was his testimony. I thought or I
15	that is even appropriate in a deposition, 11:50:10	15	believe his testimony was something to 11:52:41
16	to you asking questions of that witness.	16	the effect that he believes they were not
17	I can see if Mr. Connolly asked Mr. Hesse	17	aggressive as they could have been in
18	some questions that opened the door, but	18	getting statements. But I don't see what
19	merely because I asked questions, Hesse	19	is contained in the blog as a
20	is not my witness. 11:50:23	20	contradiction to that statement. 11:53:01
21	I object to the fact that anything	21	MR. GOODSTADT: Because it says do
22	beyond ten hours is being used. I think	22	you ever wonder why no one would talk to
23	the Judge Boyle was specific, he asked	23	you guys during your shitty
24	ten hours. If Mr. Goodstadt wants to	24	investigation. The next sentence doesn't
25	reserve some time to engage in redirect 11:50:35	25	say because you were not aggressive 11:53:13

22 (Pages 887 to 890)

		326	
	Page 891		Page 893
1	Hesse	1	Hesse
2	enough, it says everybody hates you.	2	THE VIDEOGRAPHER: The time is
3	Everyone knew that you were a rat.	3	12:26, we are on the record.
4	That is why I think it contradicts	4	Q. Mr. Hesse, at the last date of
		5	•
5			deposition you testified in response to one of 12:25:15
6	MR. CONNOLLY: I don't think it	6	Mr. Novikoff's questions that you had not done
7	contradicts it. If you want to ask him	7	or taken any steps in furtherance of your
8	if he ever said something that he thought	8	threat that plaintiffs law enforcement careers
9	contradicted their not being possibly	9	would be over, do you recall that testimony?
10	aggressive enough in obtaining 11:53:41	10	A. Yes. 12:25:29
11	statements.	11	Q. You also I believe testified to
12	MR. GOODSTADT: I am not sure I	12	and subsequently submitted some response to
13	understand what you are suggesting.	13	interrogatories regarding some blog posts you
14	MR. CONNOLLY: You can ask him if	14	made, do you recall that?
15	he I am not seeing the contradiction. 11:53:55	15	A. Yes. 12:25:41
16	MR. GOODSTADT: I believe it is a	16	Q. You would agree with me, would you
17	contradiction. Definitely obviously	17	not, that the blog post that you admitted to
18	relates to the same issue that was asked.	18	posting contained some derogatory statements
19	Asked by Mr. Novikoff, it was not asked	19	about the plaintiffs in this case?
20	by me originally. 11:54:21	20	MR. CONNOLLY: Objection. You can 12:25:55
21	MR. CONNOLLY: What was the item	21	answer.
22	asked?	22	A. Yes.
23	MR. GOODSTADT: The question was	23	Q. Would you agree with me that
24	about his viewpoint on their	24	posting the derogatory statements that you
25	*	25	made about the plaintiffs in this case on the 12:26:07
23	, , , , , , , , , , , , , , , , , , ,		
	Page 892		Page 894
1	Hesse	1	Hesse
2		1 2	
	Hesse		Hesse
2	Hesse do a good investigation, and he thought	2	Hesse blog given the form that it is in would
2 3	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive	2 3	Hesse blog given the form that it is in would negatively impact their careers in law
2 3 4	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.	2 3 4	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?
2 3 4 5	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements. Here he is asking did you ever 11:54:36	2 3 4 5	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20
2 3 4 5 6	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements. Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys.	2 3 4 5 6	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. MR. NOVIKOFF: Objection.
2 3 4 5 6 7	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements. Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't	2 3 4 5 6 7	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection.  A. No.  Q. Why not?
2 3 4 5 6 7 8	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements. Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough,	2 3 4 5 6 7 8	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection.  MR. NOVIKOFF: Objection.  A. No.  Q. Why not?  MR. CONNOLLY: Objection.
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2 3 4 5 6 7 8 9 10	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.	2 3 4 5 6 7 8 9 10	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.  MR. CONNOLLY: Well if it is not a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you didn't intend people to read it?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.  MR. CONNOLLY: Well if it is not a contradiction I feel you are not entitled to ask it.  MR. GOODSTADT: Well even if it is 11:55:08 not a contradiction, it opens the door.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you didn't intend people to read it? A. Maybe I was venting some frustration. Q. Have you ever spoken with anybody 12:26:49 outside of Ocean Beach about the blog?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.  MR. CONNOLLY: Well if it is not a contradiction I feel you are not entitled to ask it.  MR. GOODSTADT: Well even if it is 11:55:08 not a contradiction, it opens the door. Let's go off the record now.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you didn't intend people to read it? A. Maybe I was venting some frustration. Q. Have you ever spoken with anybody 12:26:49 outside of Ocean Beach about the blog? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.  MR. CONNOLLY: Well if it is not a contradiction I feel you are not entitled to ask it.  MR. GOODSTADT: Well even if it is 11:55:08 not a contradiction, it opens the door. Let's go off the record now. THE VIDEOGRAPHER: The time is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you didn't intend people to read it? A. Maybe I was venting some frustration. Q. Have you ever spoken with anybody 12:26:49 outside of Ocean Beach about the blog? A. No. MR. CONNOLLY: Note my objection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse do a good investigation, and he thought that Frank Fiorillo was not aggressive enough in obtaining witness statements.  Here he is asking did you ever 11:54:36 wonder why no one would talk to you guys. It has nothing to do with doing their investigation. His response isn't because you were not aggressive enough, his response is everyone hates you. 11:54:50 Everyone knew then that you were a rat.  MR. CONNOLLY: But they are not contradictory and not mutually exclusive. I am not following.  MR. GOODSTADT: I want to know 11:55:01 what he meant by that.  MR. CONNOLLY: Well if it is not a contradiction I feel you are not entitled to ask it.  MR. GOODSTADT: Well even if it is 11:55:08 not a contradiction, it opens the door. Let's go off the record now. THE VIDEOGRAPHER: The time is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Hesse blog given the form that it is in would negatively impact their careers in law enforcement?  MR. CONNOLLY: Objection. 12:26:20 MR. NOVIKOFF: Objection. A. No. Q. Why not? MR. CONNOLLY: Objection. A. Because to tell you the truth to 12:26:24 me this is a fantasy this blog. I have been in law enforcement 16 years, I have never seen this blog until somebody told me somebody wrote something about me. So why would anybody read this garbage. 12:26:40 Q. Well why would you post it if you didn't intend people to read it? A. Maybe I was venting some frustration. Q. Have you ever spoken with anybody 12:26:49 outside of Ocean Beach about the blog? A. No. MR. CONNOLLY: Note my objection.

23 (Pages 891 to 894)

	13	327		
	Page 895			Page 897
1	Hesse	1	Hesse	
2	A. Somebody from the Fire Island	2	A. Specifically John Cherry and I	
3	Ferry Company advised me that this blog was	3	recently have spoken about it.	
_	there, and that I should read it.	4	Q. Anybody else?	
4 5		5	A. No, not really. 12:29:25	
	Q. Who from the Fire Island Ferry 12:27:13	6	•	
6	Company?		Q. You said that it was in response	
7	A. George Haffele, he was the vice	7	to other posts, do you recall that?	
8	president of the Ferry Company at the time.	8	A. Yes.	
9	H-A-F-F-E-L-E, something like that.	9	Q. Do you have any evidence or	10 00 05
10	Q. Mr. Haffele is the vice president 12:27:29	10	information that any posts in the blog was	12:29:35
11	of the Ferry Company. Is that the ferry that	11	posted by any of the plaintiffs in this	
12	takes the people back and forth to Fire	12	matter?	
13	Island?	13	MR. CONNOLLY: Other than the	
14	A. Yes.	14	contents of the blog; I am not quite sure	
15	Q. Have you spoken to anybody else 12:27:43	15	I understand the question. 12:29:4	8
16	outside of Fire Island other than Mr. Haffele	16	Q. Well any contents of the blog?	
17	about the blog?	17	A. Do I have prove?	
18	A. No.	18	Q. Any evidence, information, proof	
19	Q. What was your intention in posting	19	or the like that any of the plaintiffs posted	
20	the negative statements about the plaintiffs 12:27:55	20	on the blog? 12:29:59	
21	in this matter?	21	A. I have no proof.	
22	MR. NOVIKOFF: Objection.	22	Q. I don't want to be narrowly	
23	MR. CONNOLLY: Objection.	23	tailored just to the word proof because I	
24	A. Well, these were posts directed at	24	think that that has a sort of legal term. I	
25	other posts, maybe just to upset them a little 12:28:04	25	want to know if you have any evidence or of	her 12:30:12
	Page 896			Page 898
_		_	**	1 4 9 5 5 5
1	Hesse		Hesse	,
2	bit.	2	information that would lead you to conclu	de
3	Q. What do you mean by that, by	3	that the plaintiffs posted any of the	
4	either one, posts directed at other posts,	4	plaintiffs posted on the blog?	2 20 21
5	what did you mean by that? 12:28:14	5	A. Well the only one that I know for 1	2:30:21
6	A. Well most of these posts are	6	sure is the one that Tommy Snyder wrote	
7	directed at posts that were previously made.	7	because he identified himself. Other than	
8	Q. What did you mean to upset them?	8	that no.	
9	A. The plaintiffs.	9	Q. I want to go back to some of the	
10	Q. Would you agree with me that if 12:28:22	10	statements that you made strike that.	12:30:47
11	another chief or a person of seniority in	11	When you said, I believe you	
12	another police department were to read the	12	called it a fantasy, is that what you called	
13	negative statements that you made about my	13	the blog?	
14	clients that it could affect their decision on	14	A. Yes.	
15	whether to hire one of my clients? 12:28:42	15	Q. Who did you understand would b	e 12:30:58
16	MR. NOVIKOFF: Objection.	16	reading the blog?	
17	MR. CONNOLLY: Objection.	17	MR. CONNOLLY: Objection.	
18	A. To think of what somebody else	18	MR. NOVIKOFF: Objection.	
19	might think; I couldn't speculate.	19	A. I don't know. I could probably	
20	Q. So you have no opinion one way or 12:28:50	20	speculate that members of the Ocean Beach	12:31:05
21	the other?	21	Police Department and the plaintiffs.	
22	MR. CONNOLLY: Objection.	22	Q. Anybody else?	
23	A. No.	23	A. I don't know.	
24	Q. Who within the department have you	24	Q. It is publicly available the blog;	
25	spoken with about the blogs? 12:29:10	25		;
	Shorrest tites anous site nindo.	~	12.01.1c	

24 (Pages 895 to 898)

		<b>328</b>	
	Page 899		Page 901
1	Hesse	1	Hesse
_	A. Sure.	2	using that phrase.
	Q. Did you ever discuss the blog with	3	Q. Do you know what that phrase
	y residents of Ocean Beach?	4	means, hidy tidy?
	A. No. 12:31:20	5	A. I have no idea. 12:32:59
	Q. I just want to go back again to	6	Q. Did you ever personally witness Ed
	ne of the statements that you made in	7	Carter sleeping?
	sponse to Mr. Novikoff's questions about the	8	A. Yes.
	asons why you selected the plaintiffs for	9	Q. While he was not on break and
	mination. 12:31:39	10	being paid? 12:33:07
11	I believe you testified that you	11	A. Yes.
12 sele	ected Nofi in part because he approached	12	Q. How many times?
	ople inappropriately?	13	A. Repeat that, on break or
	A. That was part of it, yes.	14	Q. Not on break and being paid?
	Q. Did you ever write him up for 12:31:51	15	A. And being paid, yes. 12:33:14
16 <b>tha</b>	at?	16	Q. How many times?
17	A. No.	17	A. I don't recall how many times.
18	Q. Did you ever speak with Chief	18	Q. Did you ever discuss it with the
19 <b>Pa</b> ı	radiso about that?	19	chief, meaning Chief Paradiso?
20	A. I don't recall. 12:31:56	20	A. I don't recall if I did or not. 12:33:23
21	Q. Did you ever suggest to Chief	21	Q. Is there anything that you can
22 <b>Pa</b> ı	radiso that Joe Nofi should be terminated	22	think of that would refresh your recollection?
	the way he approached people?	23	A. No.
24	A. You know I don't recall.	24	Q. Did you ever discuss it or address
25	Q. Is there anything that you could 12:32:05	25	this issue with any members of the board of 12:33:30
	Page 900		Page 902
1	Hesse	1	Hesse
	nk of that would refresh your recollection?	2	trustees of Ocean Beach?
	A. No.	3	A. No.
4	Q. Did you ever discipline Nofi for	4	Q. Did you ever discuss it with the
	ng that, for inappropriately approaching 12:32:16	5	mayor, either the current mayor or any former 12:33:36
	ople?	6	mayor of Ocean Beach the issue that you saw Ed
7	A. Verbally.	7	Carter sleeping?
8	Q. How many times?	8	A. No.
9	A. I don't know.	9	Q. Did you dock Mr. Carter pay for
10	Q. Was anyone else present? 12:32:24	10	the time that he was allegedly sleeping on 12:33:46
	A. Not that I am aware of, no.	11	duty?
	Q. Why didn't you write him up for	12	A. No.
13 <b>it?</b>		13	Q. I believe you testified that the
14	MR. CONNOLLY: Objection.	14	reason why you selected Snyder for termination
	A. I didn't think he needed to be 12:32:30	15	was, you mentioned something about personal 12:34:03
	tten up.	16	issues and that he got sick and he had some
	Q. You didn't think it was to a level	17	money issues, and at the end of his employment
	t needed to be written up.	18	he was angry. Do you recall saying that?
19	MR. CONNOLLY: Objection.	19	A. Yes.
	A. No. 12:32:37	20	Q. What did you mean by that? 12:34:14
	Q. I believe that you said one of the	21	A. He was not getting along with
	sons why you selected Mr. Carter for	22	members of the Police Department. There were
	mination was that he was hidy tidy, do you	23	problems between them. And just the general
	all using that phrase?	24	notion of the public, just dealings with them.
25	A. Hidy tidy; no, I don't remember 12:32:47	25	His attitude was just not right or conducive 12:34:29

25 (Pages 899 to 902)

	13	329	
	Page 903		Page 905
1	Hesse	1	Hesse
2	to the community that we worked for.	2	about it?
3	Q. Did you ever receive any	3	A. I don't recall if I did or not.
4	complaints from any members of the public	4	Q. Did you take any notes of your
5	about Mr. Snyder? 12:34:39	5	conversation with the civilian who came in to 12:36:22
6	A. Yes.	6	make the complaint?
7	Q. How many times?	7	A. No, he didn't want to put it in
8	A. I don't know, I don't recall.	8	writing, he said no.
9	Q. Did you receive it in writing?	9	Q. I am asking whether you put it in
10	A. No. 12:34:43	10	writing? 12:36:31
11	Q. Verbally?	11	A. No.
12	A. Yes.	12	Q. I assume you didn't address it
13	Q. Anybody else there when you	13	with Snyder and Fiorillo; you took no steps to
14	received complaints about Mr. Snyder verbally?	14	discipline them?
15	A. I don't know. 12:34:49	15	A. No. 12:36:38
16	Q. Who complained about Mr. Snyder?	16	Q. Any other complaints about Snyder
17	A. I don't remember names.	17	from members of the public?
18	Q. When did you receive those	18	A. Not that I specifically recall.
19	complaints?	19	Q. And is there anything that you
20	A. I guess towards the end of 2005 12:34:54	20	could think of that would refresh your 12:36:48
21	specifically.	21	recollection?
	<u> </u>	22	
22	Q. Do you recall when in 2005?		A. No, just my observations.
23	A. Maybe in the month of August.	23	Q. Did you ever receive anything in
24	Q. What were the complaints?	24	writing from anything negative about Snyder
25	A. Just, you know, one guy in 12:35:05	25	from anybody in the public? 12:36:59
	Page 904		Page 906
1	Hesse	1	Hesse
2	particular he came up to me and said that	2	A. I don't recall. I don't know if
3	he didn't know the officer's names, but he	3	anything is in his file.
4	described Snyder and Fiorillo specifically,	4	Q. Which police officers was he not
5	and he said, you know, I am walking down the 12:35:19	5	getting along with? 12:37:04
6	street and it was late, it was dark, and I	6	A. I believe there was well, let's
7	came around a bush, the two cops were standing	7	see. There would be Ty Bacon. There would be
8	there. He said they, in his words, they	8	Rich Bosetti, Gary Bosetti, Walter Muller. I
9	attacked him because they thought that he was	9	believe Paul Carollo had some issues with him.
10	urinating in a bush. 12:35:37	10	I don't know about any others right now. 12:37:20
11	Meanwhile he was just walking		•
12	around the corner and that they rousted him,	11 12	Q. Do you know why they were not
			getting along?
13	they threw him in the bushes. I don't even	13	MR. CONNOLLY: Objection.
14	remember his name, but I asked him do you want	14	A. Specifically no, not really.
15	to put it in writing. He stated no, and that 12:35:51	15	Q. Generally? 12:37:38
16	was it. I didn't even bring it to their	16	A. Generally no.
17	attention at the time.	17	Q. Did it have anything to do with
18	Q. So just let me understand this. A	18	the Halloween incident?
19	civilian claimed that he was roughed up,	19	A. It could.
20	attacked, thrown in the bushes by Mr. Snyder 12:36:05	20	Q. You don't know one way or the 12:37:43
21	and Mr. Fiorillo, and you didn't even address	21	other?
22	it with them; is that correct?	22	A. No.
23	MR. CONNOLLY: Objection.	23	Q. Now going back to, I believe you
24	A. Yes. Correct.	24	mentioned Walter Muller. Is Mr. Muller a
25	Q. Did you speak to Chief Paradiso 12:36:14	25	friend of yours? 12:37:59
			v

26 (Pages 903 to 906)

		330	
	Page 907		Page 909
1	Hesse	1	Hesse
2	A. Yes, we are friends.	2	A. At this time right now I don't
3	Q. Did you ever travel with	3	remember.
4	Mr. Muller?	4	Q. Fiorillo ever tell you that it was
5	A. Sure. 12:38:03	5	Muller who struck somebody? 12:39:54
6	Q. Did you ever go fishing together?	6	A. No. Not until this.
7	A. Yes.	7	Q. Did you write up Fiorillo for
8	Q. Did you ever go out socially with	8	putting Walter Muller in a head lock?
9	the families?	9	A. No.
10	A. Yes. 12:38:10	10	Q. I believe you testified that 12:40:07
11	Q. And I want to go back to the	11	Muller was not intoxicated, did you testify to
12	incident with Dr. Guida that you testified to	12	that?
13	before. You testified after the incident you	13	MR. CONNOLLY: Objection.
14	yelled at the group of officers; is that	14	A. I don't know either way if I did
15	correct? 12:38:27	15	or not. 12:40:16
16	A. Yes.	16	Q. Do you whether he was intoxicated?
17	Q. Who was in that group?	17	A. I don't believe he was.
18	A. Lappena which was a dock master.	18	Q. Did you take a breathalyzer?
19	Fiorillo. I can't think of his name, Matt	19	A. No.
20	O'Malley who happens to be a Suffolk County 12:38:40	20	Q. Did you ask him if he was 12:40:23
21	police officer. I don't remember who else was	21	intoxicated?
22	there.	22	A. No.
23	Q. Why did you yell at them?	23	Q. If Fiorillo actually witnessed
24	A. I just didn't like the way the	24	Muller punch his girlfriend or was told that Muller had punched his girlfriend, would it be 12:40:36
25	call went and the actions that they took. I 12:38:59	25	Withier flat punctied his grifffend, would it be 12:40:30
	Page 908		Page 910
1	Hesse	1	Hesse
2	think they should have been a little more	2	improper for Fiorillo to put him in a head
3	aware of what was going on around them before	3	lock to restrain him?
4	they just jumped into a melee.	4	MR. CONNOLLY: Objection.
5	Q. Do you recall what you said to 12:39:09	5	A. Just based on somebody telling 12:40:43
6	them about that?	6	him, no.
7	A. Specifically no.	7	Q. How about if he witnessed it?
8	Q. Did you write anyone up for the	8	A. Not necessarily.
9	incident?	9	Q. Would it be necessarily improper
10	A. No. 12:39:15	10	for him to do it? 12:40:53
11	Q. You didn't write up Kenny Lappena?	11	A. Well you got to give me better
12	A. No.	12	circumstances than just punching his
13	Q. Did you ever ask Frank Fiorillo	13	girlfriend. Was there a previous punch, was
14	why he put Muller in a head lock if it was	14	it after the fact, was it happening at that
15	somebody else who punched their girlfriend? 12:39:25	15	time. You are speculating on a lot of things 12:41:02 here, I don't know.
16	A. You got to ask the question again.  The question is did you over ask	16 17	*
17	Q. The question is did you ever ask	18	Q. I want to know if it if it
18 19	Frank Fiorillo why he would put Walter Muller in a head lock if it was Dr. Guida who punched	19	would ever be improper well strike that.  Would it ever be proper for Fiorillo to put
20	his own girlfriend? 12:39:41	20	somebody in a head lock that he had seen punch 12:41:15
21	A. I don't really recall.	21	his girlfriend?
22	•	22	MR. NOVIKOFF: Objection.
23	<ul><li>Q. You don't recall asking him?</li><li>A. I just don't recall, no.</li></ul>	23	MR. CONNOLLY: Objection.
24	Q. Do you know why he did that?	24	A. If it was a way of restraining him
25	MR. CONNOLLY: Objection. 12:39:50	25	I guess it would be proper. 12:41:25
ر ک	IVIK. CONNOLL I. OUJCCHOII. 12.39.30		1 guess it would be proper. 12.41.23

27 (Pages 907 to 910)

	<u> </u>	331	
	Page 911		Page 913
1		1	тт
1	Hesse	1	Hesse
2	Q. Does it matter whether Muller was	2	you recall that?
3	an officer or wasn't an officer if the level	3	A. Yes.
4	of altercation required him to restrain the	4	Q. You testified that you found a
5	person? 12:41:37	5	pipe you found a pipe used for smoking 12:43:32
6	A. I don't think it would have	6	marijuana, do you recall that?
7	mattered, no.	7	A. Yes.
8	Q. Just so I am clear, it was not the	8	Q. Do you know whose pipe it was?
9	fact that Muller was an officer that you were	9	A. No.
10	upset with Fiorillo, was it? 12:41:50	10	Q. Did you attempt to find out whose 12:43:41
11	MR. CONNOLLY: Objection.	11	pipe it was?
12	A. I never said I was upset with	12	A. I asked.
13	Fiorillo.	13	Q. Did you check to see if there was
14	Q. You were upset with the way	14	any marijuana in the pipe?
15	A. It was a general with all of them 12:42:02	15	A. Yes. 12:43:51
16	jumping into a melee that was going on on the	16	Q. Was there any marijuana in the
17	boat. And it really was directed at the	17	pipe?
18	civilian employee, the dock master Kenny	18	A. No.
19	Lappena, who happened to get hurt, and that is	19	Q. Was there any remnants of
20	why I yelled at them as a group. 12:42:15	20	marijuana in the pipe? 12:43:54
21	Q. So sitting here today do you know	21	A. It looked like something was
22	why Fiorillo put Muller in a head lock?	22	smoked out of it no.
23	MR. CONNOLLY: Objection.	23	Q. That give you probable cause to
24	A. I don't recall right now, no.	24	search to see if there was drugs in the
25	Q. You testified in response to a 12:42:29	25	apartment? 12:44:07
	Q. Tou testified in response to the 12012025		The state of the s
1	Page 912		Page 914
1	Page 912  Hesse	1	Page 914  Hesse
2	Page 912  Hesse question that Mr. Novikoff asked you about	1 2	Page 914  Hesse A. I didn't feel there was enough.
2	Page 912  Hesse question that Mr. Novikoff asked you about whether Frank Fiorillo whether you ever	1 2 3	Hesse A. I didn't feel there was enough. Q. Did you search to see if there was
2 3 4	Hesse question that Mr. Novikoff asked you about whether Frank Fiorillo whether you ever directed Frank Fiorillo to drive you to a	1 2 3 4	Hesse A. I didn't feel there was enough. Q. Did you search to see if there was any drugs in the apartment?
2 3 4 5	Hesse question that Mr. Novikoff asked you about whether Frank Fiorillo whether you ever directed Frank Fiorillo to drive you to a residence for a non-police business. Do you 12:42:46	1 2 3 4 5	Hesse A. I didn't feel there was enough. Q. Did you search to see if there was any drugs in the apartment? A. No. 12:44:12
2 3 4 5 6	Hesse question that Mr. Novikoff asked you about whether Frank Fiorillo whether you ever directed Frank Fiorillo to drive you to a residence for a non-police business. Do you 12:42:46 recall that?	1 2 3 4	Hesse A. I didn't feel there was enough. Q. Did you search to see if there was any drugs in the apartment? A. No. 12:44:12 Q. Why would you throw a marijuana
2 3 4 5 6 7	Hesse question that Mr. Novikoff asked you about whether Frank Fiorillo whether you ever directed Frank Fiorillo to drive you to a residence for a non-police business. Do you recall that? A. Yes.	1 2 3 4 5 6 7	Hesse A. I didn't feel there was enough. Q. Did you search to see if there was any drugs in the apartment? A. No. 12:44:12 Q. Why would you throw a marijuana pipe into the bay as opposed to taking it back
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28 (Pages 911 to 914)

	13	332	
	Page 915		Page 917
1	Hesse	1	Hesse
2	marijuana pipe and anything you may have done	2	A. Right.
3	with it?	3	Q. Just so I am clear, you left drugs
4	A. No, I don't believe so.	4	or strike that you left drugs in your
5	Q. Why not? 12:45:01	5	drawer unsecured? 12:46:33
6	A. I didn't think it was necessary.	6	MR. CONNOLLY: Objection.
7	MR. CONNOLLY: Objection.	7	A. It was in the confines of the
8	A. You could buy those on any street	8	
9	corner.	9	Police Department, yes.  O. But it was not locked?
10		10	~
	•		A. It was not locked. We didn't have 12:46:38
11	one bought on the street corner, you said	11	locking cabinets at the time.
12	there was evidence that marijuana was smoked	12	Q. You left drug paraphernalia in the
13	in it; correct?	13	drawer as well?
14	A. I didn't say marijuana, I said	14	A. Yes, it was all in an evidence bag
15	anything. 12:45:23	15	sealed in my drawer. 12:46:48
16	Q. Something?	16	Q. I want to go back to one other
17	A. Yes.	17	question, well a couple of questions, with
18	Q. Did you smell it?	18	respect to the incident where Paul Conway was
19	A. I smelled it.	19	delivering the beer, do you recall that?
20	Q. What did it smell like? 12:45:27	20	A. Yes. 12:47:04
21	A. Burned ash.	21	Q. Is there a certain age minimum to
22	Q. Marijuana ash or cigarette ash?	22	deliver beer or to sell beer?
23	A. Not specifically that I remember.	23	MR. NOVIKOFF: Objection.
24	Q. Do you know what marijuana smells	24	MR. CONNOLLY: Objection.
25	like? 12:45:35	25	Q. I will break it down. 12:47:11
	Page 916		Page 918
1			Page 918
1	Hesse	1	Page 918 <b>Hesse</b>
2	Hesse A. Oh yeah.	1 2	Page 918  Hesse Is there an age minimum to deliver
2	Hesse A. Oh yeah. Q. Did you ever keep any drugs or	1 2 3	Page 918  Hesse Is there an age minimum to deliver beer?
2 3 4	Hesse A. Oh yeah. Q. Did you ever keep any drugs or drug paraphernalia in your drawer?	1 2 3 4	Hesse Is there an age minimum to deliver beer? MR. NOVIKOFF: Objection.
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29 (Pages 915 to 918)

	13	333	
	Page 919		Page 921
1	Hesse	1	Hesse
2	order.	2	bicycle after hours they needed a light?
3	Q. Do you recall an incident in 2005	3	MR. NOVIKOFF: Objection.
4	when Ed Carter brought a minor into the police	4	A. Yes, when it was dark out.
5	station who he wanted to issue a summons to 12:48:39	5	MR. CONNOLLY: Assuming an 12:50:47
6	who was served alcohol at CJ's?	6	operating light.
7	A. No.	7	MR. GOODSTADT: Yes.
8	Q. Do you recall an incident where	8	A. Flashlight.
9	Carter wanted to issue CJ's a citation for	9	Q. They could have a flashlight?
10	serving alcohol to a minor in the fall of 12:48:59	10	A. It has to be in a holder. 12:50:54
11	2005?	11	Q. Just going back to the question
12	A. No.	12	that Mr. Novikoff objected to. In response to
13	Q. Who owns McGuire's?	13	Mr. Novikoff's objection I just want to
14	MR. GOODSTADT: At which juncture?	14	rephrase a question.
15	Q. In 2005? 12:49:14	15	Did there come a point in time in 12:51:42
16 17	A. 2005, I think there is a couple of	16	the summer of 2005 where Ed Carter wanted to
	owners, Jimmy something.	17	issue a summons to Jimmy Betts for riding his
18 19	Q. Jimmy Betts? A. Yes.	18	bicycle after hours without a light?
20	Q. Let's focus on Jimmy Betts 12:49:23	20	MR. CONNOLLY: Objection. A. No. 12:51:57
21	MR. NOVIKOFF: Can I ask one	21	
22	question. I don't recall ever talking to	22	<ul><li>Q. It didn't happen?</li><li>A. I don't think so.</li></ul>
23	him about McGuire's or anything involving	23	Q. Is it possible that it happened
24	McGuire's.	24	and you don't recall it?
25	MR. GOODSTADT: Well you talked to 12:49:34	25	MR. CONNOLLY: Objection. 12:52:03
_	That do do ball to the year and do 12 hole t	-	
	Page 920		Page 922
1	Hesse	1	Hesse
2	him about instructing officers not to	2	A. I don't think so.
3	issue summons when	3	Q. It is not possible?
4	MR. NOVIKOFF: Fine.	4	A. No, it didn't happen.
5	Notwithstanding my overall objection. 12:49:41	5	Q. Did you ever accompany Ed Carter 12:52:14
6	MR. GOODSTADT: Okay.	6	to an apartment on Bay Walk and Ocean Breeze,
/	Q. Jimmy Betts was the owner of	'/	I believe those two streets cross each other?
8	McGuire's in 2005?	8	A. Yes, they do, they intersect.
9	A. I believe in 2005.	9	Q. Do you recall accompanying Mr. Carter to an apartment on that corner 12:52:34
11	Q. Do you recall an incident in the 12:49:53 summer of 2005 where Carter wanted to issue	10	Mr. Carter to an apartment on that corner where there were under age drinkers?
12	Mr. Betts a summons for writing his bicycle	12	MR. CONNOLLY: Objection.
13	after hours without a light?	13	A. No.
14	A. Do I recall that?	14	Q. So you don't recall ever being in
15	MR. NOVIKOFF: Objection. That is 12:50:07	15	that apartment with Mr. Carter? 12:52:46
16	kind of what I am objecting to starting	16	A. No.
17	the question off do you recall. If he	17	Q. Just go back to the incident with
18	answers no it can go both ways whether he	18	the beer spilling, do you recall that
19	didn't recall it or it never happened.	19	incident?
20	So I object to the form of the question. 12:50:22	20	A. Yes. 12:53:10
21	Q. Would it be in the summer of	21	Q. Who did you say the leaseholder
22	2005 I know you said there were some changes	22	was?
23	in the rules with respect to the silly bicycle	23	A. I didn't.
24	riding rules. In the summer of 2005 was there	24	Q. Do you know who the leaseholder
25	an ordinance where if somebody was riding a 12:50:38	25	was on the apartment? 12:53:17
25		1	<b>▲</b>

30 (Pages 919 to 922)

	1.3	34	
	Page 923		Page 925
1	Hesse	1	Hesse
2	A. The leaseholder, no.		l Carollo?
3	Q. Do you know who the owner of the		A. I don't recall if I was or not.
4	apartment is?		Q. Who is Jason Maldonado?
5	A. The owner of the building. 12:53:21		A. No idea. 12:55:08
6	Q. Yes.		Q. Do you know who Robert Steinhauser
7	A. Billy Svingos.	7 is?	Q. Do you know who Robert Stemmauser
8	Q. He was the owner in 2003, 2004,		A. No idea.
9	and 2005?		Q. How about Brian Weinberg?
10	A. Yes. 12:53:30		A. No idea. 12:55:14
11	Q. I thought you mentioned a John who	11	MR. GOODSTADT: Give me one minute
12	was a leaseholder?		ff the record just to review what I
13	MR. CONNOLLY: He didn't use the		ave.
14	phrase leaseholder. I think the record	14	MR. NOVIKOFF: Go off the record.
15	would correct me if I am mistaken, 12:53:37	15	THE VIDEOGRAPHER: The time is 12:55:32
16	renter.		2:57, we are off the record.
17	Q. Is it possible that there was a	17	(Recess taken.)
18	renter named John up there?	18	THE VIDEOGRAPHER: The time is
19	A. I believe he was one of the		2:58, we are on the record.
20	renters. I believe it was a group of them. 12:53:48	20	MR. GOODSTADT: I have nothing 12:57:16
21	Q. So it was like a share house?		urther at this time.
22	A. Something like that, yes.		AMINATION BY
23	Q. So just so I understand, one		NOVIKOFF:
24	leaseholder and the leaseholder would sell out		Q. Mr. Hesse, I think I have no less
25	shares to other renters; is that how it works? 12:53:56		three minutes worth of questions, maybe 12:57:23
	Dago 924		Daga 026
	Page 924	1	Page 926
1	Hesse	1	Hesse
2	Hesse MR. CONNOLLY: Objection.	2 <b>mor</b>	Hesse re than three questions.
2	Hesse MR. CONNOLLY: Objection. A. Yes, kind of how it works.	2 <b>mor</b> 3	Hesse re than three questions. You mentioned in response to Mr.
2 3 4	Hesse MR. CONNOLLY: Objection. A. Yes, kind of how it works. Q. This guy John, he was one of the	2 <b>mor</b> 3 4 <b>Goo</b>	Hesse re than three questions. You mentioned in response to Mr. odstadt that Mr. Snyder communicated to you
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31 (Pages 923 to 926)

1	13335			
1	Page 927		Page 929	
	Hesse	1	Hesse	
2	Goodstadt asked you a question and you	2	A. Like the biggest part of Jeannie	
	· · · · · · · · · · · · · · · · · · ·			
3	responded with regard to you showing Lamm,	3	Jaeger being attached by this individual.	
4	Snyder and Fiorillo at various times the file	4	Q. Now the question I have is at this	
5	of the investigation? 12:58:35	5	time when you showed Fiorillo the 13:00:06	
6	A. Yes.	6	investigative file and he made those comments,	
7	Q. I think Mr. Goodstadt would be	7	did he make any comments to you that it was	
8	objecting based upon your non-responsiveness,	8	his belief that you were covering up	
9	so let me ask you this question.	9	something?	
10	Did you ever show Mr. Lamm a copy 12:58:44	10	A. No. 13:00:16	
11	of the investigative file of the Halloween	11	Q. With regard to Snyder did you show	
12	incident?	12	him the investigative file?	
13	A. Yes.	13	A. Yes.	
14	Q. And Mr. Lamm didn't want to look	14	Q. Did he review it?	
15	at it? 12:58:51	15	•	
16	A. Correct.	16	Q. Where did you show it to him?	
17	Q. At the time when you showed	17	A. In the police station.	
18	where did you show Lamm this?	18	Q. Where did he review it?	
19	A. In the police station.	19	A. He was sitting at Chief Paradiso's	
20	Q. Did Lamm at the time that you 12:59:02	20	desk. 13:00:30	
21	showed him make any reference to his belief	21	Q. What comment if any did he make to	
22	that you were covering up anything?	22	you concerning his review of the investigative	
23	A. I don't remember specifically.	23	file?	
24	Q. With regard to you showing	24	A. I don't really recall to tell you	
25	Fiorillo the investigative file, let me ask 12:59:13	25	the truth. 13:00:36	
	Page 928		Page 930	
1	Hesse	1	Hesse	
2	you this so there is no objection, did you	2	Q. Did he make any reference to	
3	show Fiorillo the investigative file?	3	his did he make any statement that led you	
4	A. Yes.	4	to believe that he believed that you were	
5	Q. Where did you show it to him? 12:59:21	5	covering up something? 13:00:42	
6	A. In the same exact spot actually.	6	A. Absolutely not, no.	
7	Q. Was Mr. Fiorillo pleased or	7	MR. GOODSTADT: Objection.	
8	displeased with regard to what he read?	8	MR. NOVIKOFF: I have nothing	
9	MR. GOODSTADT: Objection.	9	further.	
	A. He seemed to be very happy to read 12:59:32	10	MR. CONNOLLY: I have one 13:00:57	
T()	• • • • • • • • • • • • • • • • • • • •	1 - 0		
10	it and he said there was a lot of things that	111	question.	
11	it, and he said there was a lot of things that	11	question.  MR_NOVIKOFF: Don't open the	
11 12	they didn't know.	12	MR. NOVIKOFF: Don't open the	
11 12 13	they didn't know.  Q. They being whom?	12 13	MR. NOVIKOFF: Don't open the door.	
11 12 13 14	they didn't know.  Q. They being whom?  A. The three officers.	12 13 14	MR. NOVIKOFF: Don't open the door.  EXAMINATION BY	
11 12 13 14 15	they didn't know.  Q. They being whom? A. The three officers. Q. Let me ask you this then. What if 12:59:40	12 13 14 15	MR. NOVIKOFF: Don't open the door.  EXAMINATION BY  MR. CONNOLLY: 13:01:00	
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32 (Pages 927 to 930)

## Case 2:07-cv-01215-SJF-ETB Document 170-9 Filed 01/15/10 Page 235 of 236 PageID #:

Page 931 Page 933 Hesse 1 Hesse 1 2 1:09. We are off the record. more plaintiffs may have made blog entries? 2 3 A. Yes. 3 (Time noted: 1:10 p.m.) 4 MR. CONNOLLY: Nothing further. 4 5 MR. GOODSTADT: You expect me not 13:01:45 **GEORGE HESSE** 5 6 to ask him which entries; there is now a 6 7 7 new allegation that plaintiffs have made Subscribed and sworn to before me 8 entries. I don't see how I can't ask him 8 this \_\_\_\_ day of \_\_\_\_\_\_, 2009 9 9 the question. 10 MR. CONNOLLY: Go off the record. 13:02:14 10 THE VIDEOGRAPHER: The time is 11 11 12 1:03, we are going off the record. 12 13 (Recess taken.) 13 THE VIDEOGRAPHER: The time is 14 14 15 1:07, we are on the record. 13:06:28 15 MR. GOODSTADT: In lieu of an 16 16 17 agreement that all parties have reached 17 in response to -- strike that. 18 18 19 In connection with the last 19 20 question that Mr. Connolly asked 13:06:39 20 21 Mr. Hesse about his belief as to whether 21 22 any of the plaintiffs posted on the blog, 22 we have agreed that plaintiffs will serve 23 23 interrogatories requesting the identity 24 24 of which blog posts Mr. Hesse believes 25 13:06:54 25 Page 932 Page 934 1 Hesse 1 2 2 were posted by the plaintiffs, or CERTIFICATE individually which plaintiff, and the 3 3 STATE OF NEW YORK ) 4 basis of his belief that it was the 4 : SS. 5 5 plaintiff that he identifies who posted 13:07:06 COUNTY OF NEW YORK ) 6 6 the blog. 7 7 MR. NOVIKOFF: Fine. I, Philip Rizzuti, a Notary 8 MR. CONNOLLY: So agreed. 8 Public within and for the State of New 9 MR. GOODSTADT: And Mr. 9 York, do hereby certify: 10 Novikoff is --13:07:15 10 That GEORGE HESSE, the witness whose deposition is hereinbefore set forth, 11 MR. NOVIKOFF: Well if those are 11 12 the only two questions that you are going 12 was duly sworn by me and that such 13 to pose to him I don't feel -- I don't 13 deposition is a true record of the think then I need to serve anything. testimony given by the witness. 14 14 15 MR. CONNOLLY: I take it we are 13:07:28 15 I further certify that I am not 16 done. 16 related to any of the parties to this 17 MR. GOODSTADT: We are. 17 action by blood or marriage, and that I am THE VIDEOGRAPHER: The time is 18 in no way interested in the outcome of this 18 19 (Continued on next page.) 19 matter. 20 20 IN WITNESS WHEREOF, I have 21 21 hereunto set my hand this 27th day of 22 22 August, 2009. 23 23 24 24 PHILIP RIZZUTI 25 25

33 (Pages 931 to 934)

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		57
	Page 935	
1		
2	I N D E X	
3	WITNESS EXAMINATION BY PAGE	
4	GEORGE HESSE Mr. Novikoff 807, 925	
5	Mr. Baptiste 839	
6	Mr. Goodstadt 841	
7	Mr. Connolly 930	
8	INFORMATION DEOLIECTO	
9	INFORMATION REQUESTS	
LO	DIRECTIONS: None	
	RULINGS: None	
	TO BE FURNISHED: None	
	REQUESTS: None	
L 4	MOTIONS: None	
15		
	EXHIBITS	
L 7	Hesse Exhibit 29, complaint, 807	
L 8	Hesse Exhibit 30, blog posting, 883	
L 9	P 962 to P 1265,	
20		
21		
22		
23		
24		
25		
	Page 936	
1	way EDD ATTA CHEET way	
2	*** ERRATA SHEET *** NAME OF CASE, CARTER VC. OCEAN REACH	
3	NAME OF CASE: CARTER VS. OCEAN BEACH	
4	DATE OF DEPOSITION: August 17, 2009 NAME OF WITNESS: GEORGE HESSE	
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L 2		
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L 4		
L 5		
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20	GEORGE HESSE	
22	Subscribed and sworn to before me	
23	this day of, 2009.	
24		
	(Notary Public) My Commission Expires:	
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34 (Pages 935 to 936)